THE

Proceedings

OF THE

PARLIAMENT

OF

SCOTLAND:

Begun at *Edinburgh*, 6th *May*, 1703.

WITH

An Account of all the Material Debates which occur'd during that Session.

To which are Subjoyn'd,

The ſeveral Acts paſt in that Seſſion.

The Act of Security, *as it was Voted in the Houſe.*

The Articles of the Claim of Right *refer'd to in ſome of theſe Acts.*

c. 2910.

Printed in the Year 1704.

THE
Proceedings
OF THE
PARLIAMENT
OF
SCOTLAND:
WITH
An Account of all the Material Debates which
occured during that Session.

To the READER.

THE Proceedings of the last Session of the Scots Parliament, and the Characters of the several Contending Parties have been Expos'd here under different shapes.

By some we are told, That the Queen's business in that Session was Oppos'd by a Medley of a Country Jacobite Church-Party, who did promote Limitations dishonourable to the Crown, did advance such Overtures as tended to divide the Two Nations under the Government of Separate Heads and Interests, and did by their bold Speeches bring Her Majesty's Ministry into Discredit and Contempt.

By others we are told, That the Nation was sensible that some ill Men had in the late Reign Supported a Faction, which had Betray'd their Liberties and Trade, and had thereby rais'd no small Ferment, both against the late Government, and their Neighbour Nation. And therefore these who oppose the Ministry, had in this Session, as faithful Subjects, propos'd such reasonable Overtures, as might Contribute to regain the Hearts of the People to her Majesty's Government, and might Re-establish a good Understanding betwixt the Two Nations.

To clear my own doubts in this matter, I Wrote to a Friend in Scotland (a Member of that Parliament) and from him I had the following Sheets, which I have sent to the Press for the Satisfaction of others.

All I can say for the Authority of them is, That my Friend assures me they contain nothing but true Matter of Fact, and so far as I have made Tryal of them, by shewing some of the most material Sheets of them to several Persons of Honour, who were Members in the same Parliament, and are now here, I find them Authentick.

Some few Days after I had receiv'd this Account from my Friend. I understood that these who had Oppos'd the Toleration, which was demanded in behalf of those of the Episcopal Perswasion, did offer Two Reasons in their own Vindication. The one is, That there was no need for a Toleration, seeing there was no Law Prohibiting these of the Episcopal Perswasion to use their own Worship in Private Meetings. The other is, That the Toleration was Demanded without Obliging these to take the Oaths, who by the Toleration were to be allow'd to Preach and Pray in these Meeting-Houses. Concerning this I Wrote to another Friend, who is likewise a Member of that Parliament, and I had this following Letter in Answer.

Edinburgh, 5th December, 1703.

SIR,

I Find by yours, that some Gentlemen are very diligent in Vindicating the Opposition they made to the Toleration, which was offer'd here in our Parliament, in behalf of those of the Episcopal Perswasion; you know I never meddle in Church Affairs, but in Obedience to your Commands, I

As to the first, That a Toleration was needless, because there was no Laws Prohibiting Worship in Private Meeting-Houses. I shall not trouble you with Commenting upon our Laws: But it is known to every body, that (besides Tumultuary Disturbances from the Mob) these of the Episcopal Perswasion have been frequently forbid the Exercise of their Divine Worship in Private Meeting-Houses by the Government, and several of their Ministers have been Imprison'd for that reason alone; particularly two at Edinburgh, *who had both of them taken the Oaths to the Government: So that either there are Laws prohibiting their Exercise of Worship in Private Meetings, or otherways the Government hath interrupted them Arbitrarily without Authority of Law, in both which cases a Toleration seems necessary.*

As to the other reason, That the Bill did not contain a Clause enjoyning the Ministers to take the Oaths. It's true the Bill when it was Read had no such Clause; and much may be said why the Ministers who are to have no Benefice from the Publick, ought not to be oblig'd to take Oaths to the Publick: But waving the Argument; I wonder to hear this reason made use of by these who oppos'd the Bill. The Matter of Fact was directly contrary: For when the Bill was Read the 3d of June, *some of these who were most forward for the Bill, did desire that a Clause might be Added, enjoyning the Oaths. There was indeed a noble Member (and no Enemy to the Bill) who gave his Opinion, That the Oaths ought not to be put to these Ministers: But I am positive that not one of these who oppos'd the Bill did promote the Clause relating to the Oaths. Their reasons too for so doing were obvious. For if they had promoted the Clause touching the Oaths, They must have given way to the Bill, when at the same time the mind of the General Assembly expresst in their Remonstrance given in that Day, is plainly against any Toleration whatsomever, either with, or without Oaths: Besides if Ministers who have no Benefice from the Publick had been enjoyn'd to take the Oaths, These who have Benefices could have no Countenance to refuse or shun the Oaths; and I can point you out a great many of the Presbyterian Benefic'd Preachers, who neither have taken the Oaths, nor will take them. I wonder that any single Members of their Party should adventure to give such lame Reasons for opposing that Toleration; when the mind of a General Assembly is so plain in the matter. I perswade my self that these Gentlemen who offer this* Occasional *Vindication in* England, *will at their return to* Scotland *have no Thanks from their Brethren who speak more plain.*

What I have here given you may be depended upon, I was in the House that day, and I did second the Clause for the Oaths, and if any body does Contravert this, let me know it, and I shall for your further satisfaction recommend you to Three Persons of Honour, who are now at London, *and had a share in it.*

I am

Thurſday 6. *May.* 1703.

THE Parliament met at One in the Afternoon, at *Edinburgh*; after calling the Rolls, there appear'd to be a great many Contraverted Elections. And after ſome Debate, it was agreed that the Conſideration of theſe Elections ſhould be entred into before the Voting of any other Buſineſs. But that in the mean time, the Uncontraverted Members ſhould be qualified by taking the uſual Oaths. *viz.* (The Oath of Allegiance, with the Aſſurance, and the Oath of Parliament) and that in ſo far the houſe ſhould be Conſtitute, which was accordingly done.

After which her Majeſties Gifts and Commiſſions Conſtituting the Perſons after nam'd, Officers of State, were read, *viz.* *James* Earl of *Seafield* (late Secretary of State) Lord High Chancellor, *William* Marqueſs of *Annandale* (one of the Commiſſioners of the Treaſury) Preſident of the Privy Council, *John* Earl of *Tullibardin* (now Duke of *Atholl*) Lord Privy Seal, *George* Viſcount of *Tarbat* (now Earl of *Cromartie*) Secretary of State, Conjunct with the Duke of *Queensberry*, Sir *James Murray* of *Philiphaugh* (one of the Senators of the College of Juſtice) Lord Clerk Regiſter, and Mr. *Roderick Mackenzie* Lord Juſtice Clerk, after which her Majeſties Letter was read, and is as follows.

ANNE R.

My Lords and Gentlemen.

'WE thought to have brought you ſooner together in this Meeting of Parliament, but the Great and Weighty Affairs wherein 'we have been Engaged this Winter, were a Neceſſary hindrance.

'We have on ſeveral Occaſions given you, and all our Good Subjects Aſſurance of our firm Reſolution to Maintain and Protect them 'in their Religion, Rights and Liberties, as at preſent Eſtabliſhed by 'Law.

'And if there be any thing elſe wanting, for the Satisfaction of our 'People, and the Security of that Our Ancient Kingdom; We ſhall 'be always ready to have it Timeouſly provided for, and Supply'd.

'You see that We continue Engag'd in a great and Necessary War, 'for the Defence of the Protestant Religion, and the Preservation of 'the Liberties of Christendom. And We hope you will be careful to 'Guard against all Dangers, that this War may threaten; for which 'end, We Recommend to you more particularly the Consideration of 'the State of Our Forces, Forts, and Garrisons, that they be duly and 'sufficiently Maintain'd, and the necessary Supplies granted for that 'Effect, and all kept in such order as may be most conducing to the 'Ease, as well as safety of the Country.

'We also Recommend to your Care, that Trade be Encourag'd, and 'all Methods taken for the Advancement thereof, either by Amending 'former Laws, or making new Ones, or any thing else, that may be 'found needful and Expedient for the Benefit of the Kingdom.

'It hath been, and shall always be Our chief Study and Endeavour, 'to Establish and Secure the Peace, and promote the Good of that our 'Ancient Kingdom, and therefore We do Expect your Concurrence 'and Assistance, for such Good and Great Ends; and that you will Pro-'secute them with that Wisdom, Prudence and Unanimity, as may most 'tend to our Common advantage and Satisfaction; but chiefly that Ef-'fectual means be laid down for promoting of Religion, Virtue, and 'true Piety, and suppressing Vice and Immorality, and providing for 'the Poor.

'We have appointed our Right Trusty and entirely Beloved Cousin 'and Councellour, *James* Duke of *Queensbury* to be our Commissioner, 'to Represent our Royal Person in this Session of Parliament, being well 'Satisfied that the Experience that both We, and you have had of his 'Great Abilities and Fidelity, in his former Discharge of this Trust, 'will fully Commend Our Choice, and render him to you Acceptable.

'This being your first Meeting, and We having Recommended no-'thing but what is for your own Security and Welfare, We confident-'ly expect a Suitable return, and a Dutiful and Chearful Concurrence, 'in what We propose, and that all Differences and Animosities laid 'aside, you will with Concord, and Diligence bring matters to such 'a happy Conclusion, as shall Establish a lasting Union between Us, and 'Our People, so We bid you heartily Farewell.

Given at Our Court at St. James's *the Thirtieth day of* March 1703. *and of our Reign the Second Year. By her Majesties Command.* Sic Subscribitur,

TARBAT.

Directed,

Directed,

To the Noblemen, and to the Barons Commissioners for Shires, and to the Commissioners for Boroughs Assembled in Parliament, in our Ancient Kingdom of Scotland.

Then the Commissioner and Chancellour made the following Speeches.

The Commissioners Speech.

My Lords and Gentlemen,

'HER Majesty has been graciously Pleased, to give Ample and 'frequent Assurances to maintain and Protect the Religion, Laws 'and Liberties of this her Ancient Kingdom, and the present Constitution of the Church; if any thing be wanting for the ease and Satisfaction of her Majesty's good Subjects, I am sufficiently Instructed, 'and empowered, in what may be thought Expedient to be proposed 'for that End.

'The Close Conjunction of the Two Monarchies, which in their Turns 'have design'd to Enslave *Europe*, and Extirpate our Religion, made 'it Just and Necessary for Her Majesty to be Engaged in the War, and 'Her early Appearance gave Life and Vigour to the Confederacy, and 'particular Encouragement to the Protestant Princes, and States: God 'has hitherto blessed the Arms of Her Majesty and Allies with Glorious 'Success, both by Sea and Land; So that there is a Stop put to the 'Victories, and a Check given to the Encroaching Power of *France*.

'It cannot but be a great Satisfaction to us to be under the benign 'Government of a Protestant Queen. We Enjoy the Comforts of Peace, 'we feel neither the Effects of Tyranny, nor the Disorders of War, in 'which so many are Involv'd; but we ought not to be too Secure, and it 'were to tempt our Enemies to form Designs, or make Insults against 'us, if they see us in no Condition of Defence.

'All Her Majesty proposes to you is for your selves, without mingling 'any particular Concern of Her own; It is to continue the Provision 'for the Forces on the Establishment, and to Furnish and repair the 'Forts and Garrisons, which is so necessary, that I cannot doubt of your 'ready Compliance with Her Majesties Desires, and your Chearfulness 'in it will be very acceptable to Her Majesty, Observable to the World, 'and a great Evidence of your Loyalty, and Affection, which will add 'much to the Value of what you offer.

'The Decay and preſent low Condition of Trade, Requires your 'Prudent and Special Conſideration; Her Majeſty on her part is willing 'to concur with you in any thing that may Contribute to Encourage 'and Reſtore it, either by making New Laws, or Amending the preſent 'ones.

My Lords and Gentlemen,

'IT has pleaſed Her Majeſty to Honour Me with a Character to Re-'preſent Her Royal Perſon in this Seſſion of Parliment. I am very 'Senſible of the great Weight and Difficulties which do attend that 'Truſt. But my Incouragement is from the Confidence I have of her 'Majeſty's Goodneſs in believing my Sincerity and Zeal for Her Service, 'and that in Her Royal Wiſdom She is ſo careful of Her People, That 'I am not charged with any thing that can be Conſtructed to be againſt 'the Intereſt of the Kingdom, which gives me aſſurance of your hearty 'Concurrence, and I ſhall very faithfully Report what Services are done 'by every Perſon to Her Majeſty and the Nation.

The Chancellours Speech.

My Lords and Gentlemen,

'HER Majeſty's Acceſſion to the Throne of Her Royal Anceſtors, is 'the great Happineſs of all Her Majeſty's Dominions, She has ever 'firmly adher'd to the Proteſtant Religion, and may juſtly be call'd the 'Defender of the Proteſtant Intereſt in *Europe*; and all who have had 'the Honour to have more Immediate Acceſs to her Majeſties Perſon, 'or who have duly conſidered the whole ſteps of Her Majeſties Go-'vernment, muſt be convinc'd that it is her Majeſty's chief deſign, to make 'all Her Subjects Happy.

'You have heard her Majeſties moſt Gracious Letter, and his Grace 'My Lord Commiſſioner his Speech, and it muſt certainly give you, who 'are the Repreſentatives of this Kingdom, conveen'd by her Majeſties 'Authority, great Satisfaction, that her Majeſty does give you full Aſ-'ſurance of her Royal Reſolution, to maintain her People in the Poſſeſ-'ſion of their Religion, of their Laws, and of their Liberties, and has 'alſo frequently Promiſed her Protection to the Government of the 'Church; but if any thing be yet needful for the Eaſe, Contentment 'and Satisfaction of her Majeſties Subjects, Her Majeſty has given full 'Inſtructions, as my Lord Commiſſioner has Signified; ſo that nothing 'is wanting on her part, and nothing is Propos'd or Demanded by Her, 'but what is neceſſary for the Security and Proſperity of this 'Kingdom.

Her

'Her Majesty is Engaged in a most Just and Necessary War, for the 'Defence of the Liberties of *Europe*, against the Formidable Power of 'the French King; and as we are to be thankful to God, for the Suc- 'cess her Majesty's Arms have had, so we ought to give her 'Majesty all the support and Assistance in our Power, it be- 'ing so Necessary for our own Defence. And all that her Majesty 'demands is, That you provide for your own Security, by giving such 'Supplies as may be further Necessary for maintaining her Majesties Forces, 'and repairing and Providing for the Forts and Garrisons, the doing of 'which will be a convincing Proof of that intire Union and Confidence 'which is betwixt her Majesty, and her People, and will be the most 'Effectual means, to disappoint the Designs of our Enemies, and to pre- 'serve the Peace and Tranquillity we now Enjoy.

'The Trade of this Kingdom does deserve your particular Considera- 'tion, the Advancing and improvment of it is the only mean to increase 'the Wealth and Riches of this Nation, and in the doing of which you 'have full Assurance of Her Majesties Concurrence. Our Manufactories 'are very much improv'd, and ought to have all Incouragement; But 'we have almost no Foreign Trade, and all our Towns and Incorpo- 'rations, are thereby much Impoverished. You have now an Oppor- 'tunity of doing what you shall think Necessary in this matter, either 'by amending Laws that may be Prejudicial to Trade, or by making 'new Ones, or reviving such as are in Desuetude.

My Lords and Gentlemen,

'Seeing her Majesties chief Care is, to make all her Subjects Happy 'and Contented, let us therefore in Compliance with her Majesties Just 'Demands, Cordially and Unanimously concurr to Support her Majesties 'Authority and Government, to advance Religion and true Piety, to 'discourage Vice and Immorality, to Promote and improve Trade; and 'to do every thing that is Necessary, for the Honour, Interest and Se- 'curity of this Kingdom, that so all may be Concluded that comes be- 'fore you, to the Satisfaction of her Majesty, and the Good and Wel- 'fare of her People.

Then the Draught of an Act for Recognizeing, and Asserting her Majesties Authority, and her undoubted Right and Title to the Imperial Crown of this Kingdom, was offered by the Duke of *Hamilton*, and was Read and Marked a first Reading *Nemine Contradicente.*

See the Act at Large in the Appendix. No. 1.

Tuesday

Tueſday, May 11.

Several of the Nobility, and Gentry, who had not qualified themſelves the former day, took the Oaths, amongſt theſe were ſome who had refus'd to Sit in the Parliament of the Late Reign.

Friday, May 14.

There was ſome further Progreſs made in the matter of the Controverted Elections.

Saturday, May 15.

The Chancellor moved that the Act for Recognizing her Majeſties Authority, which had been offered by the Duke of *Hamilton*, the firſt day of the Parliament, ſhould receive a Second Reading in Order to be paſt. But before it went to the Vote of the Houſe, in Order to it's being finally paſt, The Queen's Advocate offer'd the following Clauſe——*That it ſhou'd be Treaſon to Quarrel Her Majeſties Right and Title to the Crown; or her Exerciſe of the Government from her Actual Entry to the ſame.*

After the Clauſe was Read, The Advocate deſired that the Act with this Amendment might go to the Vote. It was moved by others that this Amendment ſhould lie upon the Table, to be conſidered by the Members till next Meeting.

Upon this the Vote was Stated, Proceed or Delay, and it was carry'd, Proceed.

Then the Houſe went upon the Conſideration of the Amendment, and it was urged *againſt the ſame* by the Lord *B.* That the Clauſe was diſhonourable to Her Majeſty, ſeeing it meant *as if the* Houſe were giving Her Majeſty an Indemnity for her Actings and Exerciſe of her Power ſince her Acceſſion to the Throne.

To this it was anſwered, that *the words* meant only in general, Her Majeſties Right to Exerciſe Her Power.

To this it was reply'd, That whatever was the meaning of those who had offered the Clause, yet the words of the Clause, can admit of no such meaning; unless either the last part of the Clause were entirely cut of, or that the words —— *Her Exercise of the Government* were alter'd thus, *Her being in the Exercise of the Government, or her Right to the Exercise of the Government.*

To this it was again Answered in behalf of the Clause. That by the late *Queen Mary*'s *Death* without Heirs of Her body, the Right of Succession came to the Queen, upon the prospect of King *William*'s Death, seeing by the Entail, she was to Succeed *before any Children* of his Body. But that the right of Exercise did never accrue to her untill his actual Death, and her Majesties actual Accession. And that *therefore* it was proper not only to *Recognize her Right* to Succession, but also to Recognize her actual Exercise, and to secure both by a Sanction of Treason. To this it was Answer'd, That these two rights spoke of, do not import any other than the apparent Right of an Heir before his immediate Predecessor's Death, and the Right of an Heir after the immediate Predecessor's Death: The first of which does naturally evanish upon the existence of the second. That the Act as at first offer'd by his Grace the Duke of *Hammleton*, does fully Recognize these, and all manner of Rights which are, or can be in her Majesty's Person, but that the Clause now offer'd does most dishonourably super-add a Ratification and Sanction of her Majesties Exercise, and must point at one of these Three things. Either it supposeth that there has been something Lame and Defective in her Majesties Rights and *Titles* above mentioned, which hath been since Her *Actuall Accession supplied by her* Majesties Acts of *Administration* and Exercise, and therefore her Exercise is propos'd to be ratified towards Convalidating Her infirm Title. That it was his Opinion, That there was not the least Defect in Her *Majestyes Right and Title, and* therefore this Clause is Unnecessary and Dangerous.

Or in the second place the *Clause* would Insinuate that Her Majesty since her Accession, *hath exercised* some Acts of Administration, to Indemnify which a Vote of this House seems necessary (as is said above by a Noble Peer) *That whatever* may be charged upon Her Majesties Ministry, It is the *Highest* Indignity done to her Majesty to expose her Exercise of Her Royal Power to the least suspicion by *such a Clause*. For which reason this Clause is Dishonorable to Her Majesty.

And

And therefore in the laſt place there can no other reaſon be found for the Tenaciouſneſs of Her Majeſty's Miniſtry, in promoting a Clauſe ſo Diſhonorable to our Queen: But that they themſelves muſt be conſcious, that contrary to Law they have *been* Inſtrumental in Adviſing Her Majeſty *to Exerciſe ſome Acts of Adminiſtration*, Such as the calling together of the late Parliament, which had continu'd during all the *time of the late Reign*, and promoting in it, ſome *Commiſſions, Laws, and Powers*, which were *plainly* beyond the Limitations, which determined *the Being* of that Parliament, and Circumſcrib'd its Power. And being Senſible that this their Advice, may very juſtly rebound upon themſelves, *They* ſhuffle in this Diſhonourable Clauſe, very needleſly juſtifying Her Majeſty's Exerciſe of *her Royal Power*, hoping *under the Name* of Her Majeſty's Exerciſe to ſhelter themſelves who were both the Adviſers and Executors; That, whatever may become of this Clauſe at this time, It was hop'd the Wiſdom of this Houſe will in due time give a proper Cenſure to theſe Advices, which are like to diſcompoſe Her Majeſty's Quiet, and endanger the Welfare of her Nation.

By the *D.* of *H.*

My Lord Chancellour,

'I had the Honour to offer this Act Recognizing her Majeſty's *Au-*
'*thority*, Right, and Title. I was very hopeful that ſo dutiful an
'Act would have *paſt the Vote* of this Houſe, withall Imaginable Chear-
'fullneſs; And I am both Sorry and Surpris'd to *find any thing* thrown
'in, which can Create the leaſt Demurr in it. But let them anſwer for
'it, who are the Authors.

After a Long Debate, It was again moved, that in place of theſe Words, *Her Exerciſe of the Government.* The following words might be added. *Her being in the Exerciſe of the Government*, and thereupon the Vote was Stated — Add the Clauſe as brought in by the Advocate, Or as ſtated thus, and it was carried—Add the Advocates Clauſe *.

May

---

* *All the Miniſtery Voted for the Advocates Clauſe: As alſo, all the Presbyterians, excepting* 15 *or* 20. *A great many likewiſe of the Church Party concurred with the Miniſtry in this matter, being told by the Commiſſioner, That it was the Queen's mind, that the Actings of her Miniſtry in Relation to the late Parliament, ſhou'd not be touch'd.*

May 19*th.*

The Commiſſioner call'd for the Act Recognizing her Majeſties Authority, and gave it the Royal Aſſent. But before that was done, *D. H.* ſpoke, deſiring that it ſhould be Remembred that at Paſſing this Act, it was Expreſly declared, that the meaning *of the Advocate's* Clauſe cou'd affect only the Queens *Exerciſe* of her Government, and not the *Actings* of her Miniſtry. And therefore that whatever Challenge, may be given afterwards to the *Illegallity* of the *Actings* of the Late Parliament, may not be conſidered as a Violation of this Act.

After the Act had received the Royal Aſſent, the Earl of *Hume* preſented the Draught of an Act for a Supply.

Before that Act was read, the Marqueſs of *Tweddale* ſaid, he had an *Overture* to make to the Houſe, which he hop'd wou'd by reaſon of its Importance be Preferr'd to all other Buſineſs.

After ſome Debate, it was agreed that both theſe *Overtures* ſhould be Read, in Order as they had been Offer'd to the Houſe, providing that nothing ſhould be ſpoke to either. And accordingly the Act for a *Supply* was Read, and afterwards the Marqueſs of *Tweddale's Overture was read; being an Overture for a Reſolve of Parliament, That before all other buſineſs, The Parliament ſhould proceed to make ſuch Conditions of Government, and Regulations in the Conſtitution of this Kingdom, to take place, after the Deceaſe of her Majeſty and Heirs of her Body, as ſhall be neceſſary for the Preſervation of our Religion and Liberty.* Both theſe *Overtures* were ordered to lie upon the Table.

Friday May 21.

A Petition from the Late Treaſurer Deputy, craving that ſuch Rules might be laid down, for Enquiring into the Management of the Funds impos'd by Parliament, as that he might ſee theſe Accounts diſcharg'd in his time, Read and Order'd to lie upon the Table.

A Motion made by the Marqueſs of *Athol*, that the Accounts of all Funds given by the Parliament during the Laſt Reign, and how the ſame were Applyed, be laid before the Parliament, or a Committe thereof to Examine and Report. This was agreed to, and Order'd to be Inſerted in the Minutes.

Munday, May, 24.

Some private Gentlemen, who in the Late Reign had refus'd to qualifie themselves according to Law, (and were thereby Secluded from following their Employments, as Advocates,) were upon their Petition to the Parliament admitted to qualify themselves (by taking the Oath of Allegiance with the Assurance) and were allowed to Enter to their Employments.

Wensday, May, 26.

The Commissioner from the Throne, moved that they had now sit 20 days, that he did not doubt, but they were all convinc'd, that the Present State of Affairs does require a Competent Supply for maintaining the Army.

That a week agoe, there was an Act offer'd for a Supply by the Earl of *Hume*, that it has ever since lain upon the Table. He desir'd it may now be Read, in Order to its being marked a first Reading. And that he did *Promise*, they should have full time afterwards allowed them to go on other Business.

Notwithstanding of this Speech, It was urged against the Entering upon a *Supply*, that the House had Resolved to Discuss the remaining *Controverted Elections*, before any other matter of Consequence should be taken into Consideration.

The Debate upon this Point, lasted some time, and some Members finding that the further Consideration of the *Elections* was not yielded to. They moved, That the *Overture* made by the Marques of *Tweddale*, upon the 19*th*. should be taken into Consideration.

Upon this the Debate, turn'd into a Competition, whether the Act of *Supply* or this *Overture* should first take Place.

In behalf of the *Overture*, was urged the great Importance of it. In behalf of the Subsidy was urged the necessity of it, and that the Commissioner had *Promis'd*, that after a first Reading of the Supply Act, there should be time afterward given for other Business.

A Member Spoke to this Purpose.

That he had all the Deference Imaginable, to his Grace, My Lord Commissioner's *Assurances*, and doubted not but the whole House had the same; But he doubted mightily that his Grace, can be Master of himself

ſelf in that point. Who knows but that after all his Grace's good purpoſes, The *Treaſurer* of *England* may cauſe Adjourn the Houſe, when he ſhall think fit, notwithſtanding all the *Aſſurances* which the Miniſtry can give. That it is too well felt, That the *influence of Foreign Councels*, from one Corner of the World or other, have determin'd *Scots* Affairs for theſe many Years; and that there was no appearance of diſcontinuing theſe practices.

That from the matter of this Overture may ariſe ſuch Settlements, as may make a *Scots* Nation ſtand upon a *Scots* Bottom; and therefore it was fit to preferr the Conſideration of it to any other buſineſs whatſoever.

Upon this the Commiſſioner made a Speech to this purpoſe,

That he had heard a Member expreſs ſomething that pointed at the *Treaſurer of England*. That he own'd the Honour of his Lordſhip's Acquaintance: But that he had the Honour likewiſe to ſerve a great Queen, whoſe Commands alone he obey'd. And that he could further give all poſſible *Aſſurance*, *That the Treaſurer of* England *neither had meddled, nor did meddle in the leaſt with Scots Affairs.*

Upon which another Member ſpoke,

That ſeeing both the Scots Secretaries are here attending the Parliament, and that there is no Scots Man with the Queen who knows *Scots* Affairs, and has the Character and Acceſs to repreſent them. Therefore *Scots* Affairs muſt be repreſented by *Engliſh* hands, by which means very great miſtakes muſt be made in theſe Affairs, through their Unacquaintedneſs with theſe matters, and that if any Body ſhall further diſpute the Influence of *Foreign Councels upon Scots Affairs*, there ſhould be unanſwerable clear Documents produc'd to prove it, and therefore he did Second the Motion that the *Overture* be gone into.

Another Member ſpoke to this purpoſe,

That he heard a Speech from the Throne, ſignifying that the Parliament had now Sit 20 days, and therefore Recommending to the Members to make ſome progreſs in the *Subſidies*, with a Promiſe that they ſhall have time allowed them afterwards to go upon other Buſineſs. As to the firſt part he did acknowledge, that this is the 20th day ſince the Parliament Sate a down. But at the ſame time, he did wonder to hear that Obtruded, from theſe who have the Power of Adjourments, and who have allow'd the Houſe only *Seven Sederunts* in theſe Twenty days, and more eſpecially Conſidering that the *Sederunts* have been ſo very ſhort, the Parliament having never met before 2, 3, or 4, in the Afternoon contrary to the Method of all Preceeding Parliaments. By which means, it may indeed prove true, what a Noble Pear pointed at, the ſecond day of this Parliament, as both Hurtful and Ridiculous, *viz.*

That at this rate the Parliament ſhould not Riſe before the firſt of *Auguſt*. As to the *Promiſe*, that the Members ſhould have time allowed them afterwards, to go upon other Buſineſs. He begg'd leave to ſay, that there were very many freſh Inſtances, which might ſufficiently demonſtrate how little Regard is to be had to ſuch *Promiſes*, made by Gentlemen from the Throne. That he ſhall mention but one in the Parliament 1700. Where the moſt *Solemn Promiſes* were made from the *Throne* in open Parliament, That after paſſing the Subſidies, the Houſe ſhould have all the time they could demand for other matters; and yet no ſooner was there an Act brought in, for Stating and Reviſing the Publick Accounts (which was one of the chief Aims of that Parliament) but the Parliament was Immediately Adjourned.

Upon this the Commiſſioner ſpoke to this purpoſe,

That though that Gentleman who ſpake laſt, did not Name him, yet he found he Pointed at him. For he had the Honour to Repreſent his late Majeſty, as his Commiſſioner at that time: But he deſir'd it may be remembred, That that ſame Parliament did ſit Three Weeks after the Subſidy was granted.

To this the Member Anſwer'd,

That it was none of his buſineſs or deſign to point his Expreſſions againſt any Man, and if his Expreſſions did Reflect upon her Majeſties Repreſentative, or any body elſe, he was very ſorry for it, but what he had inſtanced, was Matter of Fact, and he will ſtand to the Truth of it.

Another Member ſpoke to this purpoſe,

That he did ſecond the worthy Member who ſpoke laſt, with another inſtance of the *Abrupt Adjournment* of that Parliament. That he had at the ſame time propoſed ſome Acts of Trade to the Commiſſioner and had his *promiſe*, That upon his going into the Subſidies, there ſhould be time allow'd for bringing in theſe Acts. But as is already repreſented (ſaid he) the Parliament was adjourned, and theſe Acts cut off, and thus the Nation hath been fed *with promiſes*, but they are ſtill to wait for the *performances*.

Another Member ſpoke to this purpoſe?

That it muſt ſtill be freſh in every Mans Memory, what Inſults were made upon the Soveraignty and Independency of this Nation, in the matter of their late Trading Company, both before their *Settlement in Darien* by the undue intermeddling of the *Engliſh Parliament*, with the Legal Actings of the Scots Parliament, and by the *Falſe and Scandalous Memorials* given in by the *Engliſh* Reſident at *Hamburgh*, *moſt falſly Repreſenting the Scots* Company as Private Perſons having no Authority. (Though at the ſame time they were Cloath'd with the moſt Solemn Authority of an Act of Parliament of their own Nation; *Impowering*

them

them to enter into ſociety with any Foreigners whatſoever, who were at peace with them. In purſuance of which Act of Parliament They had the Kings Patent under his broad Seal.) As alſo *by* the ſaid Reſidents uſeing *threatning and forcible* Denunciations and Expreſſions againſt the *Hamburghers*, if they ſhould enter into any Trading Society with them. And likewiſe after that Company was ſettled in *Darien*; *by* their *moſt Barbarous and Inhumane* Execution of ſome *Proclamations* emitted againſt them. That whether theſe moſt Injurious Stretches were Calculated really for the ſake of the *Engliſh* Intereſt or Trade (as was pretended) or rather for the ſake of an Intereſt altogether Foreign to this Iſland, It was not proper here to diſpute; but that it is very certain, that this Treatment and ſome other ſuch, hath rais'd an inſuperable Jealouſie in the *Scots* Nation, which cannot fail, ſome time or other, to break forth into Conſequences *Dangerous to both Nations*. And therefore he did Concur with theſe Noble and Worthy Members in promoting this *Overture*, from which he ſhall expect, that ſome ſuch Laws ſhall be Enacted towards Regulating the Adminiſtration and Government at Home, as may deliver a *Scots Prince and Miniſtry* from Foreign influence, and may thereby compoſe theſe hurtful Jealouſies in all times coming to the mutual Peace and quiet of the whole Iſland.

After a long debate to this purpoſe, the State of the Queſtion was mov'd— Go upon reading the Act of *Supply*, for the firſt time, or upon the Subject of the Marqueſs of *Twedale*'s *Overture*.

It was urg'd by a Member, That ſeeing the Reſolve was in general Terms. Therefore it would be more ſatisfactory to the Houſe, that thoſe who promoted the *Overture*, ſhould reduce it into particular Acts, and then the Houſe wou'd be more capable to Judge, whether to proceed upon *them* or upon the *Supply*.

This was Seconded by *D. Ar.* And Immediately upon this, Her Majeſties advocate offer'd an Act, which he ſaid he hop'd would pleaſe all Parties. Againſt Reading of this Act, It was urg'd, that no particular Act relative to the *Overture* ought to be Read, until firſt the *Overture* was Admitted by the Houſe.

After ſome time ſpent in the Debate, it being very Late, the Debate was delayed by conſent, till next meeting of Parliament. *

Friday,

* *Before next Meeting of Parliament, This Act of the Advocates was ſhewed to ſeveral People, and it was the ſame in Subſtance, with that Act which was next day preſented by* D. Argile: *Being an Act ratifying the Legality and Authority of the Parliament* 1689, *and Declaring it Treaſon to Impugn any of the Articles of the Claim of Right, by Word or Writing*, &c. *And here it is to be Noticed, That ſeveral of the Church Party, who had hitherto ſtood firm to the Commiſſioner, did from this day drop off from him, finding, That this Act was brought in by his Friends, and with his Conſent and Knowledge, and finding that this Act did enter into a ſcene of buſineſs, cotrairy to an expreſs Capitulation which he had made with them the former day.*

Fryday, May 28*th*.

A Petition was presented and Read, in behalf of the Disbanded Officers, praying, that the Parliament would take some Course, to enquire into the Funds which had been laid on, for Clearing their Arrears.

A Member Spoke,

'That seeing so many honest Gentlemen, had Ventured their Lives 'in serving their Country, it was very Just, that these Funds, which 'former Parliaments had laid on, toward Clearing these Arrears, and 'had been Imbezled for other Uses, should now be Inquir'd into, and 'in the mean time, that some Subsistance should be Provided for these 'Gentlemen.

Another Member Spoke,

'That as these Worthy Gentlemen had been disappointed of these 'Funds, so they were very Ill us'd, in Baulking them of Employ-'ments, when the Regiments were Levied lately, and all or most Com-'missions of these Regiments, were given away to Parliament men, or 'their Dependers, who had never serv'd in the Army.

Then the former days Debate, was resumed touching the Competition betwixt the *Subsidy* and the M. of *Tweedale's Overture*. And the Ministry Endeavour'd to wave the Debate, and to enter upon the Consideration of the remaining Controverted Elections. But the *Overture* was insisted on, as being the Subject matter of the last days Debate, which had been by Consent delay'd to this day.

After some Debate the Marques of *Athol*, in Consequence of that *Overture* did offer an Act, for the Security of the Kingdom, in Case of her Majesties Decease, which he desired to be Read.

It was Objected against the Reading of this Act (as it had been the former day against the Advocates Act) that no single Act in the Terms of the *Overture* could be offered, till first the House should give their Opinion, whether they would enter into the General Resolve contain'd in the *Overture* or not. Therefore it was again insisted on, that the Series of Business should be determin'd by Entring into the *Overture*.

After some Debate, and some Angry warm Speeches, it was at length *Yielded to, without a Vote*, that the House should Resolve, to determine the Series of their Business according to the Terms of the *Overture*.

Immediately after the Resolve was yielded to, the Marques of *Athol* clear'd the Preference to this *Act of Security*, seeing it had been first Offer'd. But before it was Read, the Duke of *Argyle* offer'd his Act, ratifying the Late Revolution, and all the Acts following thereupon, *&c*.

Mr.

Mr. *Fletcher* offer'd an Act containing ſeveral Limitations upon the Succeſſor, after the Death of her Majeſty and the Heirs of her Body.

The Earl of *Rothes* offer'd an Act, that after her Majeſties Death, and failing Heirs of her Body, no Perſon coming to the Crown of *Scotland*, being at the ſame time, King or Queen of *England*, ſhould as King or Queen of *Scotland*, have Power to make Peace or War, without the Conſent of Parliament.

The Earl of *Marchmont* offer'd an Act, forSecuring the true Proteſtant Religion, and Presbyterian Government.

Sir *Patrick Johnſon* offer'd an Act Allowing the Importation of all ſorts of Wines and other Foreign Liquors, and Reſcinding all former Laws made to the Contrary.

All theſe Act were Read, and Order'd to lye upon the Table.

Tueſday 1ſt, of June,

The Draught of an Act for a Toleration to all Proteſtants, in the Exerciſe of Religious Worſhip, was Read as follows.

'HER Majeſty being deſirous to give a Juſt eaſe to all her Proteſtant 'Subjects, in the Exerciſe of their Religion and Religious Worſhip, 'doth with advice and conſent of the Eſtates of Parliament, Statute, 'Enact and ordain, That from henceforth it ſhall be Lawful for all her 'Proteſtant Subjects to aſſemble and meet together, with their Re'ſpective Miniſters, for Divine Worſhip in any Houſes they ſhall think 'fit to appoint for theſe Religious Exerciſes, in all Towns and Pariſhes of 'this Kingdom, without any Let, Moleſtation and Impediment whatſo'ever. Certifying all ſuch as ſhall preſume to Moleſt, or diſturb the 'ſaid Preachers in the full Exerciſe of their Miniſterial Function at 'theſe Religious Aſſemblies, or the Perſons ſo Aſſembled for Divine 'Worſhip, that they ſhall be puniſht as Diſturbers of the Publick peace 'of the Kingdom, according to Law, by her Majeſties Privy Council, 'or other Judges Competent. And in Caſe any Preachers in theſe 'Meetings or Meeting-Houſes, ſhall Preach any Seditious Doctrine ten'ding to Diſloyalty or to the Alienating of the Affection and Duty of 'the Subjects from her Majeſties Perſon or Authority, or to the di'ſturbance of the Publick Peace. They ſhall be Exemplarily Puniſhed, 'by the Privy Council according to Law, and to the Demerit of their 'Crimes and Offences. And Ordains this Tolleration hereby Granted to have 'its full Force and Effect, from the Day, and Date of theſe Preſents. 'And that notwithſtanding any former Acts of Parliament, which 'from henceforth ſhall make no Derogation from the Force of this pre'ſent Indulgence and Toleration, and appoints all Judges to deſcern 'accordingly.

A Representation by the Commission of the Late General Assembly against a Toleration, was Offer'd and Read as follows.

Unto his Grace, the Lord High Commissioner and Honorable Estates of Parliament, The Representation of the Commission of the General Assembly.

Sheweth.

'THAT being Instructed by the Late General Assembly, to advert 'to the Interest of the Church, upon every Occasion, and that 'the Church do not suffer or sustain any Prejudice which belongs to 'us to Prevent, as we will be Answerable to the next General Assem-'bly, and for this End to Meet when the Parliament Sits, and to ap-'ply thereto, as there should be Occasion. And now being inform'd 'of a Motion to be made in Open Parliament, for granting Tolerati-'on to those of the Episcopal Perswasion. We find our selves bound 'in Conscience and in Duty, both to this Church and Nation, and 'likewise to our Constituents, In all Humility, to represent to your 'Grace and the Honourable Estates, that there can be no Just ground 'to desire or grant such a Toleration, seeing there was never in any 'Nation a Toleration allow'd, where there was no pretence of Con-'science against Joynt Communion, and here the People have no 'Scruple in their Consciences, against Communion and Worship with 'the Legal Establish'd Church, and did generally wait on the Publick 'Worship, where they were not Restrained by their Ministers, till by 'the Practising of some Persons, they have in some places Divided of Late. 'Neither can the Ministers of the Prelatick way pretend Conscience against 'Joynt Communion, and Worship with us, there being no Sinful Con-'dition of Communion required of them, and it being their Constant 'and known Principles, That difference in Opinion, Anent Church 'Government is not sufficient reason for Separation in Worship. 'And to grant a Toleration to that Party in the present Circum-'stances of this Church, and Nation must unadovidably shake the Foun-'dations of our present happy Constitution, overthrow these Laws 'upon which it is settled, needlesly disturb that peace and Tranquil-'lity, which the Nation hath Enjoyed since the Late Revolution, dis-'quiet the minds of her Majesties best Subjects, increase Animosities, 'Confusions, Discord and Tumults, Weaken and Enervate Discipline, 'Open a Door both to uncurb'd Vice and Popery, as well as other 'Errors. Propagate and Cherish Dissatisfaction to the Civil Govern-

'ment,

'ment and bring the Nation under the Danger of falling back into 'the ſame or worſe Miſeries and Miſchiefs, under which it Groan'd 'and Frown'd, and from which it hath been Mercifully deliver'd. All which 'is ſo apparent, that we need not inſiſt thereupon to ſo Auguſt and Judi-'cious an Aſſembly, Since the known Principles and Practices of the Party 'for whom the Toleration is ſought, and the Infringments that will 'be made upon her Majeſties Claim of Right, and Inſtrument of Go-'vernment thereby, do ſufficiently Demonſtrate the ſame.

'We do therefore moſt Humbly beſeech, yea we are bold in the 'Lord, and in the name of the Church of God, in this Land earneſtly 'to Obteſt your Grace, and moſt Honorable Eſtates, That no ſuch 'Motion of any Legal Toleration, to theſe of the Prelatical Principles 'may be Entertain'd by the Parliament. Being perſwaded, that in the 'preſent *Caſe and Circumſtances of this Church and Nation.* To Enact 'a Toleration for theſe of that way, (*which God of his Infinite Mercy 'avert*) would be to Eſtabliſh Iniquity by a Law, and would bring 'upon the Promoters thereof, and upon their Families, the dreadful 'Guilt of all theſe Sins, and Pernicious effects, both in Church and 'State, that may Enſue thereupon. From which that God may pre-'ſerve all the Honorable Members of this High Court of Parliament, ſhall 'be our moſt ſincere and fervent Prayers.

Edinburgh 1ſt. June 1703.

Signed in the Name, and at the Appointment of the ſaid Commiſſion of General Aſſembly,

By GEORGE MELDROME.

Then an Act for a Triennial Parliament, was Read, and an Act Incapacitating Perſons having Penſions not annext to Offices, all Officers in the Army, and theſe Employed in the Cuſtoms or Exciſe, to have a Vote as Members of Parliament, in Impoſing of publick Burdens.

An Act Ratifying all the Privileges formerly Granted, to the Company Trading to *Africa* and the *Indies*.

An Act changing the Puniſhment of Leeſing makers and Slanderers from a Capital Puniſhment to Arbitrary Puniſhment.

With ſeveral Acts relating to Trade, all which were Read, and Order'd to lie upon Table.

The Act for Securing the True Proteſtant Religion, and Presbyterian Government which had been offered the former day, by the Earl of *Marchmont*, Read, and Order'd to be marked a firſt Reading.

The Act for Securty of the Kingdom as Offer'd by the Marquess of *Athol* Read, and Ordered to be Printed.

Thursday June 3.

A Petition was presented and Read, in the behalf of the Viscount of *Teviot*, praying that the Parliament would take Course to Establish some Fund, to pay him so much of his Regiments Arrears, as will Relieve him of his Cloathing Money.

The Draught of an Act defining what Crimes are Bailable [given in and Read.

The Act for Securing the *Protestant Religion*, and Presbyterian Government, being again Read, the first part of it for Security of the *Protestant Religion*, was Unanimously acquiesced in without a Vote, and the last part touching *Presbyterian Government*, being consider'd after the Addition of some Exception touching the Allowance given to Ministers qualified in manner therein expresst. The whole Act was put to the Vote and approved.

The Act for the Toleration was again Read, and there Ensued a Debate touching a Letter sent by her Majesty to the Privy Council, some months before *.

Then the Act for Security of the Kingdom was Read, and Order'd to be marked a first Reading.

As also the Act presented by the Duke of *Argile*, Ratifying the first Act of the Parliament, 1689. turning the meeting of the Estates, into a Parliament, *&c.*

The Act offer'd by Mr. *Fletcher*, touching Limitations upon the Successor, Read, and her Majesties Sollicitor Ordered to print it, with some other Acts then likeways Read.

Munday

* *This Debate touching the Queen's Letter, was manag'd with a great deal of heat, by such as oppos'd the Toleration, and there appear'd no other ground for it, excepting that it was done to raise dust against the Toleration, and these who did design to appear for the Toleration, finding that this heat and opposition did come principally from some of the Ministry, and their dependers, they dropt the Debate, and did not press the Toleration.*

Munday June 7.

The Act presented by the Duke of *Argile*, Read for the Second time in the Terms following.

'OUR Soveraign Lady, with Advice and Consent of the Estates of 'Parliament, Ratifies, Approves, and perpetually Confirms the 'first Act of King *William*, and Queen *Mary*'s Parliament, dated the '5th. of *June*, 1689. Entitled the Act for Declaring the Meeting of 'Estates to be a Parliament. And of new Enacts, and Declares, that 'the three Estates then Met together, the said Fifth of *June*, 1689. 'Consisting of Noblemen, Barons and Boroughs, were a Lawful and 'free Parliament.

'And it is declared, that it shall be High Treason for any Person to 'Disown, Quarrel, or Impugn the Dignity and Authority of the said 'Parliament.

'And farther, the Queen's Majesty with *Consent aforesaid, Statutes and* '*Declares that it shall be High Treason, in any of the Subjects of this King-* '*dom to Quarrel, Impugn, or Endeavour, by Writing, or malicious and advis-* '*ed Speaking, or other open Act or Deed, to Alter, or Innovate the Claim* '*of Right, or any Article thereof.*

After some Debate, the first part of the Act, ratifying the Authority of the Convention, *&c.* was yielded without a Vote. As to the Second Paragraph, there was no great Debate, but as to the Third Paragraph, especially that word *Endeavour*, there was a very Warm Dispute.

It was argued for the Clause, that a great many Libels had been spread Reflecting on the Claim of Right.

It was argued against the Clause, That such Actings are indeed very Irregular, and there are standing Laws, by which the Authors may be Punish'd: But that the Import of such a *General and Peremptory Clause*, would be of most Dangerous Consequence: It would fetter Men in their Common Conversation, which though never so Innocent, might by these words *Endeavour* by Word or Speech, *&c.* bring all the Subjects, whether in the Ministry, or not, in daily Snares. And the Import of it with the Sanction of Treason adjected, would bind up the Government, and the Wisdom of the Nation *it self* in all succeeding Ages, from making such Ratifications or Reforms, Additions or Abridgments, as their Observation should afford them in the Course of time, and various circumstance of things.

To this purpoſe it was urg'd by a Gentleman, who repreſented a Nothern Shire. That he was ſure the Opinion of his Country men was generally diſpos'd for *Epiſcopacy*; and if after this any body of men ſhould in duty to their own Opinion in a very Regular way Addreſs the Parliament for a Rectification of the preſent Presbyterian Eſtabliſhment (which he conſider'd was neither Infallible nor Unalterable) In this caſe he askt whether or not, ſuch an Addreſs might import High Treaſon. It was anſwer'd by Sir *W. H.* * that indeed this Act would not preclude them from Addreſſing for a Toleration: But if after this Act ſhould be paſt, any body ſhould own that he thought *Presbyterian Government* was a *wrong* Eſtabliſhment of Church Government, or that he thought *Epiſcopacy ought to be Reſtor'd.* It was his opinion, That *by this Act* they were *guilty of High Treaſon.*

This occaſion'd a long Debate, during which, a great many things were ſpoke, urging the dangerous Importance of this Act, both to the Government and to the Subject. Then the Queſtion was put——— Approve the Act or not, and it carry'd in the Affirmative. *

June 9th.

The Draught of an Act enjoyning the Aſſurance, was preſented by the E. of *Melvill*, and was Read.

The Draught of an Act againſt the impoſing of any Oaths and Declarations, other than theſe already appointed by Law, was given in by the Marqueſs of *Atholl*, and Read.

Reſolv'd.

That the Committee for Inſpecting the Publick Accounts be nam'd immediately after the diſcuſſing the Elections.

The Act for the Security of the Kingdom was taken into conſideration, and many Speeches were made, recommending to the Members to proceed in that matter with a great deal of Solemnity and Deliberation. * After

* *One of the Judges.*

* *There were about* 60 *Votes againſt this Act, ſeveral were Non-Liquets (refuſe to Vote) all the Miniſtry and their dependers Voted for it, excepting* M. Ath. L. Tar. Ju. Cl. *and ſome of the Ch——s friends.*

* *Among others,* L. Belhaven *made a Speech, which being in Print, is here omitted. The heads of it were principally theſe. A Deduction of the ſeveral Projects, which from* Henry VII's *time have been entered into, towards Uniting the Two Kingdoms, with the ſeveral Inſtances of Decay in this Nation, ſince our Kings reſided in* England, *with an Account of the ſeveral Opportunities we have loſt of making good Terms for our ſelves by the Artifices of pretended offers of Union uſed by our Neighbours, to lay us a ſleep from embracing theſe ſeveral Opportunities: And he Concludes that this preſent handle is perhaps the laſt that ever we may have. That in this Act which is now before us, we may take the opportunity to make ſuch Conditions as might provide for our ſecurity againſt any further diſappointments.*

After the Houſe had entered upon conſideration of ſome of the Clauſes of the Act of Security. It was repreſented, That before any further Progreſs could be made, in Eſtabliſhing a future Succeſſion, failing Heirs of her Majeſty's Body, It would be neceſſary to Reſcind the 2d. Act. 3d. Par. K. *Char.* II. Eſtabliſhing the Succeſſion to the Crown in the next of Blood in the Royal Line, of whatſomever Religion. Upon which her Majeſties Advocate took out of his Pocket an Act ready drawn for that effect, to this purpoſe, *viz.* Reſcinding the 2d. Act 3d. Par. K. *Cha.* II. *In ſo far as the ſame is inconſiſtent with the Claim of Right, and the preſent Settlement made in* K. William's *time.*

Againſt this it was urg'd, That by this Clauſe we ſhould determine the Succeſſion to be lodg'd in the Family of *Hanover*, for by the Act mention'd of K. *Cha.* II. The Crown is Entail'd to the next of blood of the Royal Family, and by an Act paſt in King *William*'s time, Eſtabliſhing Presbyterian Government, and the Confeſſion of Faith, and by the Claim of Right, all Popiſh Succeſſors are Excluded; ſo that the *Intermediate* Papiſts being, (by theſe Acts, and this Overture) Excluded the Family of *Hanover*, who are the *neareſt Proteſtants of the Royal Blood*, muſt of conſequence fall to be Heirs.

This Act as offer'd by the Advocate was puſht, in order to have a firſt Reading: But it was Vigorouſly Oppos'd, and at length the Queſtion was ſtated——To give it a firſt Reading, or lie upon the Table; And it carry'd——Lie upon the Table by a conſiderable Majority. *

June, 11, 14, 17, and 19.

Some further Progreſs was made in the Contraverted Elections, and in ſome private Acts, and private buſineſs.

June 22*th.*

An Act for taking and ſtating the Publick Accounts Read.

Four ſeveral Schemes of Acts for Security of the Kingdom upon the Death of her Majeſty Read, and the Sollicitor appointed to Print them, but no further progreſs made in them.

June

* *The Generality of the Persbyterians Voted a firſt Reading to this Act; all the Miniſtry likewiſe, excepting* M. Ath. L. T. *and* J. C. *Voted for a firſt Reading.*

June 24*th.*

Some further progreſs made in the Contraverted Elections.

June 26*th.*

An Act offer'd and Read for Reviving the Ancient Privileges of the Barons * in Electing their Repreſentatives for the Shires Yearly at the *Michaelmas* head Courts.

June 29*th.*

Some further Progreſs made in the Contraverted Elections.

June 30*th.*

The Act touching Leeſing-makers and Slanderers paſt.

Order'd,

That a Book publiſht by the Title of *Hiſtoria Anglo-Scotica.* by *D. Drake.* M. D. and Dedicated to Sir *Edward Seymour*, containing many falſe and injurious Reflections upon the Soveraignty and Independency of this Crown, and Nation, be Burnt by the Hand of the Hangman.

Thurſday 1*ſt, July.*

The Act for the Security of the Kingdom was Read, and a Member made a Speech, recommending, that in this Act they ſhould inſert ſuch Preliminaries in the caſe of a Succeſſor, not of the Queen's own Body, as ſhould ſufficiently ſecure this Nation againſt ſuch misfortunes as have attended their preſent State thorough the influence of Foreign Counſels.

This was ſeconded by a great many Members; and after ſome further Speeches, It was agreed that the Act ſhould be gone upon Paragraph by Paragraph.

Friday 2. *July.*

The conſideration of the Act for ſecurity was Reſumed, and it being Reſolv'd that the Eſtates of the Nation ſhould meet upon the 20th day after the Queen's deceaſe. It was further Reſolv'd, That the Government ſhould be lodg'd in the hands of the Eſtates upon the ſaid 20th day.

July

* *Knights of the Shire.*

July 5th.

The Act for Security was further conſider'd, and a Clauſe Added, Excluding Papiſts from being Members of the Eſtates.

July 6th.

The conſideration of the Act for ſecurity was reſum'd, and a Clauſe was offer'd. That no Engliſhman or Foreigner, having a Scots Title, and not having an Eſtate of 1000 *l.* Sterlin, Yearly Rent within this Kingdom, ſhall in the event aforeſaid have place, and Vote in the Meeting of Eſtates.

Againſt this Clauſe, It was urg'd by *M. At.* That the privilege of *Peerage*, belong'd to ſome by Birth, and to ſome by immediate *Creation*. That in the firſt of theſe Caſes, the private Birthright of ſome Noblemen might be injur'd, and in the other, The *Prerogative* ſeem'd to be impair'd.

To which it was Anſwered, Firſt that this Clauſe is no Encroaching upon the Property and Birthright of theſe Peers, who were to be Excluded at that time, ſeeing the Excluſion was for that time *alone*, at which there was a Concern to be Negociated, which was *purely a* Scots *Concern*, viz. The Chooſing of a Succeſſor for the Kingdom of *Scotland*.

In the Second Place Poſſeſſion and Property is the true Title for Repreſentation. And though the Crown which is the Fountain of Honour, is not Reſtricted to Diſpenſe Titles according to that Rule: Yet in this very nice Caſe. There can be no Exception made againſt Excludeing theſe from Voting who not only have no Poſſeſſion or Intereſt in *Scotland* to Repreſent. But who on the Contrair have Poſſeſſion and Intereſt elſewhere, which may prove *Contradiſtinct* from the Intereſt of this Nation.

In the third place, in theſe affairs which are to be the ſubject matter of the conſideration of that Meeting of the Eſtates (*viz.* the nominating a Succeſſor,) The Engliſh are already *predetermined*, and pre-ingag'd in their own choice; and though it ſhall prove to be the Intereſt of *Scotland*, not to enter into the ſame Nomination with *England*; yet theſe *pre-determin'd* Peers, who have Eſtates in *England*, will never riſque them to give a fair Vote for the Intereſt of *Scotland*, where they have no Eſtate to looſe; and therefore the Clauſe was inſiſted on as proper.

After

After ſome Debate, The Clauſe was put to the Vote, and carry'd in the Affirmative: But before Voting, *M. At.* proteſted that this Vote might not prejudice the undoubted Right of all Scots Proteſtant Peers, to which proteſt ſeveral other Peers adher'd.

After this, there was an Oath offered to be taken by the Members of the meeting of Eſtates——*To Maintain the true Reform'd Religion and the Claim of Rights.*

Againſt this it was urg'd by *Mar. At.* That he had formerly offer'd an Act againſt all Oaths, excepting the Oath of Allegiance; and that he now inſiſted upon the ſame Overture, giving ſeveral reaſons for ſeconding his Overture, particularly that the Coyning a Multiplicity of Oaths, did in general ſerve for no other purpoſe, but to bind up honeſt men, and to leave ill men at the greater freedom; and as to the preſent caſe, what was offer'd might ſerve only to enſnare the Conſciences of Proteſtants, who might perhaps differ only in ſome *outward Forms.*

Upon which there was an Acquieſcence in the Houſe. That the Act under conſideration ſhould be firſt gone through in all its points, and that if afterwards any motions of Oaths were offer'd, they ſhould be taken into conſideration.

July 7.

The Act for *Security* proceeded in, It was mov'd that ſuch Limitations as ſhall be thought neceſſary to be put upon the *Succeſſor* might be conſider'd, and particularly the Act touching Peace and War was inſiſted upon to be here added.

Upon this aroſe a great Debate, and many Speeches. It was urg'd upon the one hand, that this Act was only calculated for Eſtabliſhing a power to Adminiſter the Government in the caſe of the Queen's Death, and to name a *Succeſſor*; and that though it might come properly under the compaſs of this Act, to limit the power of that *Meeting of Eſtates*, yet it was not proper here to limit the power of the *Succeſſor*, but that ſuch Limitations ſhould be referr'd to the Wiſdom of that Meeting of Eſtates.

In behalf of Limitations, it was urg'd that by her Majeſties Letter, *The Nation was encourag'd to expect her Majeſties Concurrence with all things that ſhould be propos'd for our Liberties, for the ſatisfaction of her People, and for the Security and Welfare of her Ancient Kingdom*; And that from the Commiſſioner's and Chancellor's Speeches, we had further Encouragement for ſuch hopes.

The Commiſſioner ſpoke to this purpoſe, That he did not expect that her Majeſties Letter ſhould have been here commented on, and conſe-

quences

quences drawn from it, as if her Majesty had resolv'd to Condescend to any *Limitations* upon her self or Successors. For that indeed he did not think her Majesty meant any such.

A Member Spoke to this purpose,

'That her Majesty's speech is very Gracious and very plain, and without any the least Comment. *It points at Gratifying her Nation in all things that should be propos'd for our Liberties, and for the Satisfaction, Security and Welfare of her People.* That he did see no *Limitations* offer'd upon her Majesty, in her own time, nor upon the Heirs of her Body after her. But that some designing Statesmen amongst our Neighbours, or some busy Agents amongst Foreigners, have each in thier own turns, Influenc'd and Over-awed the *Scots* Government, and Ministry; to abandon the *Scots* Interest. That therefore the Parliament might Justly be blam'd, if they shou'd not at this time, lay hold of her *Majesties Gracious Offer*, and of the present happy *Opportunity*, in settling such Conditions of Government within themselves, and such Limitations upon the Successor after her Majesties Death, and failing Heirs of her own Body, as may in time coming, Ease the Nation of these Jealousies, which are now swell'd to so great a height, as may endanger the Peace of both Kingdoms.

Another Member Spoke.

'That he always thought and is now more convinced, That whatever came from the Throne, did proceed from the *Influence* of *English* Councils.

Upon which several Members about the Throne, did interrupt the Member. Insinuating that these Expressions were so harshly Pointed against them, that they were not to be Suffered.

Upon this Interruption, the House fell into a Flame, many Members of all Ranks Remonstrating in very Angry Terms, That this was a breach of Priviledge, and Demanding that the Member might be allowed to speak out without Interruption, and to Explain himself.

And after calling of Silence, the Member proceeded thus,

'That he should be in no great Difficulty to Explain himself, That he spoke not as a Slave, but a Freeman. That he had all the deference imaginable for Her Majesty, and Her Represen-

 'tative

'tative, but that the Love and Duty he owed to his Country did oblige 'him to ſay what he had ſaid. And that beſides the frequent and too pal-'pable Inſtances, which may have been made of that *influence* for theſe 'many Years paſt, he had a freſh Inſtance of Suſpition from a Letter ſent 'down from the *Treaſurer* of *England* within theſe few days, giving Di-'rections to the ſame Purpoſe as he had now heard from the Throne. 'That the Inſtance of the Barbarous Treatment the Nation met with in 'the Matter of *Darien*, and a more recent Inſtance of the Contempt 'the *Engliſh* have of this Nation in Neglecting to ask their Advice be-'fore they named their own Succeſſor, are ſufficient to Demonſtrate that 'the *Engliſh* do Conſider this Nation in a State of abſolute Dependance 'upon them. That he conſidered what he had now heard from the 'Throne was a ſufficient Warning to the *Scots* Nation, that nothing 'could Relieve them from the Slavery of that Influence, but a firm Reſolu-'tion of withdrawing themſelves from under the Government of an *Eng-'liſh* Prince after her Majeſty's Deceaſe and failing Heirs of her own Body.

'Againſt this, it was again urg'd that the Settling of Limi-'tations upon the Succeſſor, were more proper to be done by that 'Parliament or Meeting of Eſtates, which ſhall name the Succeſſor, and 'that the whole *Act of Security* might perhaps be loſt if it ſhould be 'crowded with ſuch Limitations.

To this a Member Anſwered.

That he did not hear any Man contend, but that Limitations upon the Succeſſor were neceſſary, in Caſe the ſame Perſon ſhould be nam'd Succeſſor to the Crown of *Scotland*, who is likewiſe Succeſſor to the Crown of *England*. But that he found ſome Arguments offer'd, for laying aſide the Conſideration of theſe Limitations, until after Her Ma-jeſties Death, That it was Evident, that ſuch Motions were made of purpoſe to throw aſide Limitations for altogether, though the preſent time was the only proper Seaſon for ſuch a Work; For that now the Nation was in Peace at Home, and the Parliament was left to its own free Deliberation, but perhaps upon Her Majeſties Death, there may appear ſome unruly Factions, which may diſorder the Parliament, and may interrupt its Deliberations with broils and diſcord within doors, whilſt our watchful Neighbours may be plying the corrupt Members by ways and means without doors. Now the Nation is eaſy under Her Majeſties happy Adminiſtration, and the proſpect of Her long Life, and having but a remote View of that Event, have both Leiſure and Li-berty to Model and lay down proper Limitations upon a Succeſſor,

they

they know not whom, But upon Her Majesties Death Peoples Minds will be so taken up with naming a Successor, that they will not think of Limiting One. Wise and honest Men will (upon that Event) hasten into a Nomination, to prevent Anarchy and Confusion, whilst imprudent and corrupt Men run headlong into it, each to promote the Successor by whom they are Brib'd, or to whom they are Affected That therefore the present happy Opportunity ought to be imploy'd in making such Limitations as may secure this Nation against that Event. That as to the Danger of loosing the whole Act, if it should be crowded with such Limitations, he was so far from thinking it prudent to lay aside the Limitations, for fear of endangering the Act, that he thought the best Circumstance of that Act was to make it serve as a Pledge for the Limitations.

It was still insisted on by others that it was not proper in this Act to bring in any Limitations upon the Successor, and at length, It was put to the Vote ——Proceed to Limitations upon the Successor *in this Act* Yea or No. And it carried in the Negative by 26 Votes.

July 9th.

Mov'd, That there be a Resolve of Parliament. That after the Act for Security of the Kingdom is adjusted and Voted. The Parliament will take into Consideration, and determine a Motion now lying upon the Table Concerning the Power of making *Peace and War*, without any other business interveening.

This gave rise for renewing the Former days Debate touching Limitations.

It was urged against the Resolve. That by the Former days Vote. The Consideration of all Limitations upon the Successor in General, and that Act of Peace and War in particular, had been laid aside out of this Act of Security. And to bring in now again a Resolve relative to that Act of *Peace and War*, were to Transgress that former days Vote.

To this It was answered, that to agree to the Resolve now Propos'd, was no breach of the former days Vote, seeing the nature of the Resolve imported nothing else than a *Capitulation*, That this Act of *Peace and War* should be taken into Consideration, after the House had finish'd and concluded this Act of Security which they were now upon.

To Enforce this, There were a great many Speeches made from Members of all Ranks, Entering upon the Merits of the Act, and Ex-

posing the necessity which the Nation is under at present by the continu'd Impressions of Foreign Influence.

It was urg'd against the Merits of the Act That the Power of making Peace and War had always been Lodg'd in the Crown, and the Passing of this Act were an Encroachment upon the *Prerogative* Royal.

After a long Debate, several *Overtures* and Capitulations were made by the Ministery to divert this Resolve, such as That this Act of Peace and War should of *Consent* be allowed to come in before the supply.

This was rejected, and then the Vote was Stated——Enter into the Resolve, that the Act of Peace and War shall come in next after the Act of Security was finish'd, Yea or No, and it carried in the Affirmative by 43 Votes.

Then the Act for Security was farther proceeded in, and upon a Debate whether the Regent or Regents to be named by the Estates in the Case of the Under Age of a Successor should continue, without being altered for the whole time of his Under Age; or for a Limited time. It was by a Vote of the House carried——That this Matter should be Remitted to the wisdom of the Meeting of Estates.

July 14th.

The Act of Security was farther proceeded in, and the Clause empowering the Meeting of the Estates to declare a Successor to the Crown of the Royal Line, and of the Protestant Religion, was taken into Consideration.

It was moved, That these Words should be added, *Off the true Protestant Religion as by Law Established within this Kingdom.*

Against this It was urged, That the Coronation Oath, was a sufficient Test to Engage the Successor (being a Protestant) to maintain the Church as by Law Establish'd.

To this it was Answered by a Member.

That since the Wisdom of this House had thought fit to exclude Papists, who profest the Doctrine of *Transubstantiation* from having any Access to a *Scots* Government; So he did see no Reason why *Lutherans*, who Profess the Doctrine of *Consubstatiation* ought not likewise to be Excluded. And more especially considering that by this Course, the *Family*

of

of *Hannover* would fall to be Excluded, which was both *Proper and Neceſſary*, conſidering that the *Engliſh* had nam'd that Familyfor their Succeſſor; For that he did ſee very plainly, That the *Scots* Nation muſt reſolve to be in continual Slavery, if they ſhould go in to the ſame Nomination with *England*, unleſs they have ſuch Conditions of Government Settled within themſelves, as might Secure their Liberty and Trade, of which he did ſee no great Appearance at this time, ſeeing it was Evident from ſeveral ſtrugglings within theſe few days, That the Miniſtry are upon a plain Concert with the Miniſtery of *England* to continue the Nation of *Scotland* under the ſame Slavery as Formerly, and Therefore, he did Second that Clauſe, and would Second any other Clauſe whatſoever, which may put the *Scots* Nation, under a *diſtinct*. Government from that of *England*, ſeeing they cannot obtain ſuch *Reaſonable Terms*, as might make them eaſie under one and the ſame.

Upon this Occaſion *Graunt* * Inform'd the Houſe, That he had Inſtructions from the Barons of the Shire whom he Repreſented, That he was not to enter into any Terms of Succeſſion, the ſame with *England*, unleſs firſt there ſhall be ſuch Conditions of Government and Terms of Union of Trade previouſly concerted, paſt and ratified by Parliaments of both Kingdoms, as ſhall put the *Scots* Nation entirely upon an Equal Foot with that of our Neigbours. *

After ſome Debate the Vote was Stated——Add the Words offer'd to the Clauſe or reſt upon the Security by the Coronation Oath. And it carried Reſt upon the Security by the Coronation Oath.

July

---

* *A Gentleman of a good Eſtate, and following, who Repreſents a Northern County, that of* Inverneſs.

* *But he was moved by ſome of his Friends to delay any Motion upon that Head, becauſe they had ſuch Things to Repreſent in due time, relating to the Union as ſhould make appear, that all theſe* Overtures *which had been lately made towards an Union, were altogether Deſtructive to the Intereſt of the Nation, and that the late Union was Projected for other Reaſons than what were given in Publick. Upon this* Graunt *let fall his Motion.*

July 16th.

The *Act of Security* was proceeded in, and the following Clauſe was offered by the Earl of *Roxburgh* —— *Providing the Succeſſor to be nam'd by the Meeting of Eſtates (in the Event mention'd in the Act) be not the Succeſſor to the Crown of* England: *Unleſs that in this Seſſion of Parliament, there be ſuch Conditions of Government Settled and Enacted, as may* Secure, *The Honour and Independency of the Crown of this Kingdom. The Freedom, Frequency, and Power of Parliaments, and the Religion, Liberty and Trade of the Nation, from the Engliſh or any Foreign Influence.*

It was urged againſt the Clauſe That it imported Limitations upon the Succeſſor, which had been by a Former days Vote, Excluded out of this Act.

To this it was Anſwered, That by this Clauſe, there were no Limitations deſign'd to be brought in into this Act, But the Clauſe did only in General Secure a *Capitulation*, for ſome proper Conditions of Government; to be Settled in this Seſſion of Parliament, *in Caſe that the Nation ſhall think fit to name the ſame Succeſſor with* England, in the ſame manner as the other days Reſolve had made a *Capitulation* for the Act of *Peace and War* in particular.

It was again Objected againſt this Clauſe, That as this Clauſe was conceived, The making of theſe Conditions of Government, was too peremptorily reſtricted to this preſent Seſſion of Parliament. And therefore, It was moved, That in place of *naming this Seſſion of Parliament*, the Clauſe ſhould run thus ——— *In this or any other Seſſion of Parliament.*

To this, it was Anſwered by a Member.

That it cannot but be Evident to all Honeſt *Scots* Men within this Houſe, what a vaſt ſtruggle they have for their Liberties. And what a Continued Oppoſition they meet with, from their own Miniſtery, who hold their Places and Preferment from the Hands of theſe very Men againſt whoſe influence they Deſign to Secure themſelves.

That

That it is Evident, that these who at present do appear, for the Honour of a *Scots* Crown, and the Interest of a *Scots* Nation, do propose nothing but what is Seconded by plain and open Reasoning, whilst others from a *most base and Servile Principle* of preserving their Places and Pensions, do oppose so generous and just Designs, and do Support themselves by no manner of fair Reasoning, or Argument. But are forc'd to devise some such Shifts and Expedients as may Serve to amuse and draw off their *Sequacious multitude.*

That there appear'd an Eminent Instance of this the other day, when there was a Struggle to get some such Conditions of Government insert in this *Act of Security*, as might serve for the Honourable and Generous Ends mentioned. These who oppos'd so very fair and just attempts, did not dare plainly to Express themselves, against so Honourable a Design, But (as it is said) They drew off their Multitude by a pretext, that it was not fit to bring in Limitations, *in this Act.* Though at the same time, It was plain, That this Expedient was Calculate to shuffle out all Manner of Limitations *for ever.* That even so upon this Occasion, now before the House, whilst the Members are designing to Secure a *Capitulation* for Entering with the first Opportunity, in this present Session of Parliament, upon Settling such Conditions of Government, as may answer no less Ends than the Honour and Safety of the *Scots* Crown, relieving of their Nation from under Slavery, and thereby to Extinguish the rooted Jealousie, which must for all Ages make both Nations uneasie. That when they are Projecting such good things with all imaginable dispatch in this Parliament: They meet with an Expedient for a new delay, by turning them off to some *Future* Parliaments; which upon the whole Matter aims at nothing less than an Entire disappointment of these generous Designs. And therefore he hop'd the Wisdom of the House would enter immediately into the Clause, as at first offer'd.

Then the Vote was put——Add the Clause, Yea, or No. Upon the other Hand some Members finding the Zeal of the House increase, and being unwilling to suffer this to go to a Vote, did throw in a great many new *Expedients*, and differing States of Votes, which Occasion'd a great many warm Speeches. And it being late, and the House in great Heat, and Confusion, several Members prest for a Delay. Upon which the Chancellour *Seconded* the Motion of a Delay. Adding that this Debate shou'd be resum'd next Sederunt, nothing Intervening. And by the Commissioners Order, Adjourn'd the Parliament for four days.

Upon this Adjournment, the House turn'd into an Uproar, and a Combustion, Remonstrating That this was a plain breach of the Liberty of the Subject and Privilege of the Parliament by Adjourning the House in the Middle of a Debate, without either a Vote or acquiescence of the House, but meerly upon a Motion made by some Members for a

Delay

Delay. To fortifie this, there was adduced the 40th Act of the 11th Parliament, K. *Ja.* 6th, wherein *Freedom of Speech, and Voting is reserv'd to the Subjects.* As also, That it was against the *Claim* of *Right*, by which the *Freedom of Speech and Debate in Parliament is secur'd to the Members.*

Upon these several Heads, a great many Members did in the House immediately protest against the Adjournment as *Illegal*, and took Instruments in the Registers Hands, and immediately thereafter withdrew, and Fram'd an Address to Her Majesty, which was Sign'd that Night, by about 60 Members, and by 15 or 20 next Morning.

July 20th.

It was moved that the Protestation taken the former day against the Adjournment of the Parliament, as a breach of Privilege, and Interruption of their Reasoning, should be Mark'd in the former days Minutes.

Upon this the Chancellour spoke to this purpose, That the former days Debate having lasted long, until it was very Late, Several Members had mov'd an Adjournment of the Debate, That he himself had Seconded that Motion, adding an assurance that the Debate should be esum'd, next *Sederunt*, nothing Intervening, and that he had upon this ry he Commissioners Orders Adjourn'd the House, and therefore he desir'd, that there should be no further procedure in that Matter, and that it should not be Mark'd in the Minutes. Upon the other Hand, it was insisted on, to have it mark'd in the Minutes.

After a long and warm Debate touching the Forms, and Consequence of Protestations in General, and the Import of the Act, K. *Ja.* 6th. and the Article of the Claim of Right mention'd, in Particular, at length the Matter was Compounded thus, That the Chancellour should add to what he said —— *That there was no Manner of Design by that Adjournment to encroach upon the Priviledges of Parliament*, and that this being digested together should be Printed and Publish'd as this days Minute. This was aggreed to as a Sufficient Vindication *of the Privileges of the Members in Parliament*, and both ended the Debate and put a stop to the Address.

July 21st.

According to the Promise made from the Throne, the former *Sederunt*, the House went upon Consideration of the Clause offer'd by the Elar of *Roxburg*. But after Reading of it, There was another Clause offer'd by Her Majesty's Advocate, as follows —— *Providing, that after Her Majesties Decease without Heirs of Her Body, The same Person shall in no Event be Capable to be King, or Queen of both Kingdoms of* Scotland *and* England, *Unless a free Communication of Trade, The Freedom of Navigation, and the Liberty of the Plantations be fully agreed to, and Establish'd by the Parliament, and Kingdom of* England *in favours of*

the

the Kingdom and Subjects of Scotland, *at the ſight and to the Satisfaction of his or any enſuing Parliament of* Scotland, *or the ſaid Meeting of Eſtates.*

After this Clauſe was read, it was moved, That it ſhould be added to the *Act of Security*, in Place of the Clauſe offered by the E. of *Roxburgh*, and this Motion was Seconded by all the Miniſtry, and their Dependers.

To this it was Anſwered by a Member.

That a few days ago he heard a noble Member take Notice of the *Weakneſs, Diſingenuity and Artifice*, of theſe who at this Preſent Juncture do for very Mercenary Ends oppoſe theſe *Overtures*, which are Calculated for the Honour and Welfare of their own Government, and Nation; That he found, Every day does produce ſome more ſuch Inſtances; That the very laſt *Sederunt* there was a Promiſe made from the Throne, that this Clauſe offered by the E. of *Roxburgh* touching Conditions of Government in General ſhould be the firſt thing taken into Conſideration, and yet no ſooner is it read, but another Clauſe is promoted by Her Majeſty's Miniſtry, touching a *Communication of Trade with* England, altogether different from the Clauſe, upon which the Houſe ought to proceed at Preſent, and touching which the Senſe of the Houſe muſt be had before they proceed to any other Clauſe. That, when that other Clauſe offer'd by Her Majeſties Miniſtry comes to be Entred upon, he ſhou'd be able to Demonſtrate, that the Conditions pointed at in it, are no way Advantageous to this Nation. But, in the mean time he mov'd, that the Senſe of the Houſe might be had upon the Clauſe offered by the Earl of *Roxburgh*, touching Conditions of Government.

The Clauſe offered by the Advocate was ſtill inſiſted one by the Miniſtry, and ſeveral Speeches were made by them, magnifying the great and good Conſequences, which would accreſs to the Nation, by a Communication of Trade with *England*.

After a long Debate, ſome urging to have the Clauſe offer'd touching the *Conditions of Government* added to the *Act of Security*, others urging to have the Clauſe touching *Communication of Trade*, added; at length a Member ſaid, That he did not well underſtand what Benefit the Nation might reap by a Communication of Trade with *England*, But that ſeeing the Miniſtry did ſo much preſs it, He therefore mov'd That *both the Clauſes* ſhould be Conjoined, and both added to the *Act of Security*, and the Vote was ask'd —— Add both Clauſes Yea, or No.

The Miniſtry fearing, that this might carry in the Affirmative, did propoſe a new State of a Vote—Proceed or Delay, and they Carried, that this ſhould be the State of the Vote by a plurality of three Voices, and accordingly the Vote being Stated—Proceed or Delay, It carried Delay likewiſe by three Voices.

July 23d.

The former days Debate was again resum'd, and first the General Clause, as brought in by the E. of *Roxburgh*, touching Conditions of Government was Read, and another Draught of the same Clause offered by the Advocate, but much differing from that offered by the E. of *Roxburgh*, and after some Debate, touching the two different Draughts of the Clause, The Vote *was* again Stated —— *Proceed or Delay.* And it carried *Delay.*

July 26th.

The *Act of Security* was proceeded in, and the two several Clauses of *Conditions of Government* and *Communication of Trade*, as formerly Conjoin'd were brought in, in two several Draughts. The one presented by the E. of *Roxburgh*, and the other by the *Advocate*. And after reading both, It was put to the Vote, which two of the Draughts should be gone upon, And it was by a Vote carried, That the Draught presented by E. *Roxburgh*, should be gone upon.

When the Draught came to be Consider'd. It was mov'd by some of the Ministry immediately after Reading the Clauses, as Conjoin'd, that they should be again Separated. And that the first part of the Clause touching Conditions of Government, should be taken into Consideration by it Self. They gave for a Reason, that the one was a *General* Clause relating to *Conditions of Government*, and the other other only a *Special* Clause Relative to *Trade*.

A Member Spoke to this Purpose.

That he took notice here of another Instance of disingenuous Dealing, For that when the Clause of Communication of Trade was offered the other day to defeat the Clause then offer'd touching *Conditions of Government*. It was then told That this *Clause of Communication of Trade* was only an Amendment, or different Draught of that Clause touching Conditions of Government, hoping thereby perhaps to have Shuffl'd out that other Clause which was by a Vote of the House to be the Subject of Consideration. But that now, *when another Turn is to be serv'd*, The House is told, that these two Clauses are of such different natures, that they cannot so much as be consider'd together.

It

It was urged by another Member,

That both these Clauses had been under the Consideration of the House, both Jointly and Separately, now for some days, and that they did want nothing, but the Vote of the House to add them both to the *Act of Security*. Therefore he mov'd the Vote —— Add both Clauses, Yea, or No. ——

The Ministry (it seems) were Resolv'd to abandon their own Clause of Communication of Trade. And therefore did offer very Frankly to go into the general Clause touching *Conditions of Government* (which had been promoted by the other Party) hopeing thereby to Engage them to drop the Clause of *Communication of Trade*, and accordingly the general Clause touching *Conditions of Government* was acquiesced to, without a Vote. But had not the design'd Success. For the other Clause touching *Communication of Trade*, was immediately insisted on, and here the Ministry were again put to it, and were forced to Argue against their own Clause, which they had promoted so Vigorously for two Successive *Sederunts*.

They urg'd against their own Clause, that the Granting of this *Communication of Trade*, did depend upon the Nation and Parliament of *England*, and was a Condition could not be perform'd by the Successor of *England* without their consent. And That therefore to State this as a Condition upon the *English* Successor before he should be admitted to be our Successor, was the same thing upon the Matter as to Exclude the *English* Successor intirely.

To this it was Answered by a Member.

That he should not trouble the House with his Opnion, whether or not it is more Advantageous for the *Scots* Nation to be under the same Prince with *England*, or under a different one. But that he did positively Affirm, That *one of two* is absolutely necessary for the Welfare of the *Scots* Nation, *Either* it must be under a different Government from that of *England*, or *otherways* there must be such Conditions of Government, and such Settlements in point of Liberty and Trade, Secur'd to them as may preserve their Government and Ministry from the Influence of their Neighbouring Ministry, and such as may quite Extinguish that Jealousie, which must prove fatal to both, whilst under the same Government in the present Circumstances. That as to Conditions of Government Relative to the Liberties of *Scotland*, he hop'd no Man would be so imprudent as to propose any thing which should either be uneasie to the Queen, or should Interfere with the *English*. And as to Settlements in Point of Trade, he hop'd the *English* would not grudge to put the *Scots* upon an equal Bottom in proportion with themselves, since the *Scots* were to be equal Sharers in their Burthens.

And he beg'd leave to ſay that he thought him no true *Scots* Man, who will not *ſtruggle to the uttermoſt*, before he Submit to the ſame *Succeſſor* with *England*, unleſs upon ſuch Terms; And therefore he mov'd, that both the Clauſes may be conjoyn'd, and go to the Vote.

After ſome farther ebate, and a great many warm Speeches, both the Clauſes were conjoyn'd and ſtated Thus.—— *Providing always that the ſame be not the Succeſſor to the Crown of* England, *unleſs that in this preſent Seſſion of Parliament, and any other Seſſion of this or any other enſuing Parliament, during Her Majeſties Reign, there be ſuch Conditions of Government, Settled and Enacted, as may ſecure the Honour and Soveraignty of this Crown and Kingdom. The Freedom, Frequency, and Power of Parliaments. The Religion, Liberty and Trade of the Nation, from Engliſh or any Foreign Influence, with Power to the ſaid Meeting of Eſtates to add ſuch further Conditions of Government as they ſhall think neceſſary, the ſame being Conſiſtent with, and no ways Derogatory from theſe which ſhall be Enacted in this and any other Seſſion of Parliament during Her Majeſties Reign. And further but prejudice of the Generality foreſaid, It is hereby ſpecially Statuted, Enacted, and Declar'd, That it ſhall not be in the Power of the ſaid Meeting of Eſtates, to Name the Succeſſor of the Crown of* England *to be Succeſſor to the Imperial Crown of this Realm, nor ſhall the ſame Perſon be capable in any Event to be King or Queen of both Realms, unleſs a Free* Communication of Trade, *The* Freedom of Navigation, *and the* Liberty of the Plantations *be fully agreed to, and Eſtabliſh'd by the Parliament, and Kingdom of* England, *to the Kingdom and Subjects of* Scotland, *at the ſight, and to the ſatisfaction of this or any enſuing Parliament of* Scotland, *or the ſaid Meeting of Eſtates.*

Then the Clauſe as above, was put to the Vote—— Add the Clauſe to the *Act of Security*, Yea, or No, and carried in the Affirmative by 72 Votes.

Before it went to the Vote, The Preſident of the Privy Council did Proteſt againſt the Vote for two Reaſons. The one was that the firſt part of the Clauſe, was a general Clauſe, which he did Conſider as prelimiting the Actings and Deliberations of Parliament, And the other was a particular Clauſe, importing a Condition not in the power of the *Succeſſor* to perform, And therefore he *proteſted* that neither the *Freedom of Parliaments* ſhould be pre-judged by the firſt part of the Clauſe, nor the *Right* of the next *Proteſtant Succeſſor*, ſhould be pre-judged by the laſt part of the Clauſe.

July

July 28th.

The Preſident of the Privy Council crav'd that his Proteſtation might be inſerted in the Minutes at length. There were ſeveral Reaſons urged againſt this, and particularly that the laſt part of his Proteſtation was againſt that Law Settling the *Entail* of the Crown in the late Reign, For by that Law, the Entail goes no further then to *Her preſent Majeſty, and the Heirs of Her Body*, and ſeeing the preſent Clauſe is Calculated to take place only in the Caſe of a *Succeſſor, failing Heirs of Her Majeſties Body*. Therefore this Proteſtation does moſt Illegally *Pre-ſuppoſe* the Exiſtence of the Right of ſome Proteſtant Heir, which is plainly *beyond the Limits* of that Law and Entail, and therefore the Lord Preſident was adviſed to withdraw his Proteſtation as being Contrary to Law, and to Satisfie himſelf with turning his Proteſtation into a *bare Diſſent*.

Some Members upon this Occaſion were pleaſed to ſay, That if his Lordſhip had deſign'd by this Proteſtation *to make his Court to* Hannover, he may take other Meaſures for doing of it, then by having it Marked in the Minutes of Parliament.

After the Preſident had made ſome ſmall ſtruggle, he at length acquieſced to have his Diſſent Marked without any Narrative or Reaſons.

The Houſe proceeded further in the *Act of Security*, and a Clauſe was added, limiting up the Meeting of Eſtates from Nominating a Succeſſor until they had Sit twenty Days, and allowing them after theſe twenty Days were Expir'd, to Nominate the Succeſſor with all convenient Diligence.

July 30.

The *Act of Security* was proceeded in, And a Clauſe offered Declaring—*That it ſhould be High Treaſon to Adminiſtrator the Coronation Oath, be Witneſſes to the Adminiſtration thereof, but by appointment of the Eſtates of Parliament in Manner mentioned in the Act; Or to own or acknowledge any Perſon as King or Queen of this Realm in the Reſpective Events mentioned in the Clauſe, until they had Sworn the Coronation Oath, and accepted the Crown on the Terms of the Claim of Right, and the other Conditions to be Settled in this, or any other enſuing Parliament, or added in the ſaid Meeting of Eſtates, and be thereupon Declared and admitted as above, which Crime is Declared Irremiſſible without Conſent of Parliament.*

Th

The first part of this Clause was acquiesced to without a Vote. But as to the last part of it Declaring the Crime Irremissible, without consent of Parliament. There was a long Debate, And a Vote, Stated—Add that last part of the Clause, Yea or No, and it carried in the Affirmative.

Then the House took into Consideration, where the Government should be lodged in the Interval betwixt the Queen's Death, and the 20th day, at which the Meeting of Estates were to Meet and assume the Government.

The Ministers propos'd, That it should be in the hands of the Privy Council in being at Her Majesties Death.

Other Members propos'd, That it should be in the Hands of such a number of the Meeting of the Estates, as should be at the Time, in or about the Town.

It was urg'd in behalf of the Privy Council, That the Clause was Calculated to prevent Anarchy, during the 20 days, and that the Privy Council was always a Judicature ready Modell'd, and more readily got together, and consequently more fit to Administer in such a short Exigence.

A Member spoke to this Purpose,

That the House was now upon Settling the Government in an Interval, which though but short, yet is of the highest Consequence. That the Concern which the Parliament is now most to take care of, is not how to prevent Disturbances at Home, But is chiefly to prevent Influence from *England*, especially at so Critical a Juncture, And this is the more to be guarded against; Because that the Nation seem now Resolv'd *either upon the one hand* to put the *English* into a necessity of Suffering a *Scots Nation* to get Justice done them, *or upon the other hand*, to involve the *English* into equal difficulties with themselves. The last of these the *English* will certainly shun. And as to the first of these, the *Scots* have no great Reason to Expect it, so long as they see their Affairs and Interest thus Dispos'd and Modell'd, to the private Designs of some Statesmen in that Kingdom, who will use all means possible to bring the *Scots* over to an absolute Compliance with their Nomination, without having the least Justice done them. That they cannot so easily effectuate this in the hands of the Meeting of the Estates, who are Men Chosen by the liking and Confidence of their own Country, as they can Expect to do in the Hands of a Privy Council,

who

who may always be Choſen by *Engliſh* Influence alone. And therefore the Member did ſecond that Motion of having the Government lodged in the twenty days Interval, in the Hands of ſuch a number of the Meeting of Eſtates, as can be got together, according to the Ancient Priviledges of the Kingdom, as the only Perſons proper to be intruſted at ſuch a Juncture.

M. Mont. Did Second that Motion, and in Conſequence of it, his Lordſhip did enter a Proteſtation, That no Vote to be put, ſhall in any manner of way prejudge the Peers in their Native and undoubted Right. This Proteſtation was adher'd to by 18 of the Nobility.

Robert Dundaſs, * likewiſe proteſted in behalf of the Repreſentatives of Shires. That no ſuch Vote ſhall prejudge the Legal and undoubted Right and Priviledge of the Commiſſionrs for Shires. This was likewiſe adher'd to 43 of the Repreſentatives for Shires.

Alexander Watſon * proteſted in the ſame manner in behalf of the Burrows, and his Proteſtation was adher'd to, by 15 of the Burrows. Then the Vote was Stated,—In the Hands of the Privy Council, or the Eſtates.

The Miniſtry ſeeing that it would carry Eſtates, did offer a Compounding State of a Vote, *viz.*—In the Hands of the Members of Eſtates alone; Or in the Hands, both of ſuch of the Privy Council, and ſuch of the Members of the Eſtates Jointly as ſhould at that Occaſion offer to undertake the Adminiſtration. And this being put to the Vote, it carried—Members of Eſtates and privy Privy Council *Jointly* by a Majority of 2 Voices.

Auguſt 2d.

The Commiſſioner ſignifyed to the Eſtates, That in Regard a great many of the Commiſſioners from the Royal *Burgh*'s were to Meet in the

---

* *Repreſentative for the Shire of* Middlothian.
* *Repreſentative for Town of* St. Andrews.

the Convention of *Burghs* this Week at *Glaſgow*, he thought fit to Adjourn the Parliament for ſome days, and accordingly the Parliament was Adjourn'd till Saturday the *7th*.

Auguſt *7th*.

A Member Spoke thus.

That the frequent Meetings of the Repreſenttatives of the Nation in Parliament, is the only Opportunity left to the Subject, for obtaining a Rectification of theſe abuſes which ſo frequently creep into the Adminiſtration of the Laws. But that it appears plainly to be the Deſign of a Corrupt Miniſtry to make *Scots* Parliaments as grievous and Burdenſome to the Nation as poſſible, That there need no other Evidence be given for this, then to look back upon theſe repeated *Scandalous* Adjournments, and *triffling* even *Sederunts*, This is now the 92d. day ſince the Parliament Sat down, and it is but 39th. *Sederunt*. The *Sederunts* are always Adjourn'd till ten a Clock. And the Commiſſioner, who makes the Appointments never comes to the Houſe till 3, 4, or 5 a Clock. That theſe *bareſac'd* Shifts can have no other intent with them, but to weary away many Members into the Countrey, who at this Seaſon of the Year, muſt have a great deal of Buſineſs there, and to force away *honeſt* Members to leave the Parliament for want of Supplies of Money whereby to bear their Charges, whilſt the *Corrupt Band of Court Penſioners*, are better enabled to ſtand it out, That all wiſe Nations do call their Aſſemblies in the Winter, when moſt Men are diſpos'd to be in Town, thereby to make Buſineſs and Convenience Suite together, whilſt *this Corrupt Miniſtry* do Calculate the Meetings of this Parliament at ſuch a Seaſon, as an attendance ſhall be both Uneaſy, Unprofitable, and Burdenſome.

That no Man need take Umbrage at the *Overtures*, which have lately been made for Conditions of Government, or for Limitations. And that the Promoters of them ought not to be aſpers'd as deſigning Republican Models, and Encroachments upon the Prerogative.

For that the Ambition and Avarice of the *Scots* Miniſtry, and the Deſigns of the Neigbouring Miniſtry do force this Nation in their *own defence* to promote ſuch proper and ſeaſonable Conditions, as may anſwer theſe Honourable purpoſes, which have been ſo oft mention'd in the Parliament, and without which it is impoſſible to Save this Nation from ſuch barefac'd Encroachments.

Another Member ſpoke to this purpoſe, That worthy Member, who ſpake laſt, hath very well expos'd the diſhonourable motives of theſe moſt Scandalous and unſeaſonable Adjournments; That the Injuries put upon this Nation within theſe few years, have reduc'd it to a very ruinous Condition, and the preſent expenſe, which ſo long an attendance in Parliament does draw upon the Nation, muſt contribute a great deal towards its further Deſtruction: Eſpecially conſidering that the Commiſſioners Expenſes have been for theſe *ſeveral Years ſo Exceſſive and Exorbitant*, being all that time far greater than the Expences of the *Kings of Scotland* ever had been.

That whatever advantage her Majeſties Miniſtry may have by theſe Scandalous delays; it gives a juſt ground of Jealouſie, that ſome people do lie in wait to perpetrate ſome miſchief againſt this Nation, and that the promoters of it are very jealous of their own weakneſs, when they are driven to ſuch baſe, Scandalous and unuſual ſhifts, not duraing to open their projects in a full Aſſembly of the Nations repreſentatives.

A great many warm Diſcourſes were uſed upon this head, by people of all Ranks.

Then the Chancellour mov'd, that they ſhould go upon the buſineſs of the Day, and the former days Clauſe being read, touching the Lodging of the Government in the Intervall in the hands of the Privy Council, and the Eſtates jointly; Theſe following Words were moved to be added—*Providing always, That there ſhall be a Quorum of the ſaid Members of Eſtates and Council jointly, making up thirty in number at leaſt. Providing alſo, that the Majority of the ſaid Quorum ſhall be Members of Eſtates, who have not at the time of the ſaid deceaſe been Members of the Privy Council.*

Againſt this it was urged, That this Clauſe would altogether Evacuate and diſappoint the Intent of the immediate preceeding Clauſe, which had been voted the former day.

To this it was anſwered, That the Conduct of the Miniſtry, and the deſperate Circumſtances of the Nation did provoke the jealouſie of the Members ſo much, that they Conſidered themſelves obliged to diſpute *every ſingle point*, and to guard againſt all *poſſible Events*.

After ſome further Debate, the Clauſe was carried by a Vote: But before the Vote, The Earl of *Marr* proteſted, that this Vote might not prejudge the Peers of their Birth-right; to which Proteſtation twenty of the Peers adher'd. *Crawfoord* of *Kilbirny* likewiſe proteſted in behalf of the Repreſentatives of Shires, three of which adhered to his Proteſtation.

Another Clauſe was offered, Ordaining that *all Commiſſions granted to the Officers of State, Lords of Treaſury and Exchequer, Preſident of the Privy Council, and all other civil Commiſſions that are now granted during pleaſure, ſhall by the deceaſe of the King or Queen Reigning become null and void, excepting Sheriffs, Stewards, and Juſtices of the Peace, in their reſpective Bounds.*

And his Clauſe was likewiſe carried by a Vote, in the affirmative.

Auguſt *the* 10*th*.

THE Act *for Security*, proceeded in, and a Clauſe offered. *Ordaining all Proteſtant Heretors, and all Burghs within this Kingdom, forthwith to provide themſelves with fire Arms, for all the fenſible Men, who are Proteſtants within their reſpective Bounds, of the Bore, proportioned to a Bullet of* 14 *drop weight running, and that the ſaid Heretors and Burghs Diſcipline, and exerciſe their ſaid fenſible Men once in the Month at leaſt.*

This Clauſe was carried by a Vote to be added.

Another Clauſe was likewiſe offered and added, *ordaining all Commiſſion-Officers in the ſtanding Forces above the Quality of Captains to fall upon that Event: And that all Captains and Lieutenants of Companies and Troops, which belong'd to Officers above Captains, continue their ſeveral Commands, without Extending the ſame further then their Companies or Troops, till further Orders from the Eſtates or Committee in the Interval; and requiring all Officers and Souldiers in daily pay, at the ſaid time to continue in, or repair to their Quarters and Garriſons, and not to remove from thence, but by order aforeſaid, under the pain of Treaſon.*

Auguſt *the* 11*th*.

THERE was a Clauſe added *reſcinding the Act* of 1696, *(ſeeing this preſent Act came in place of it) and all other Laws and Acts of Parliament in ſo far, as they are inconſiſtent with this preſent Act.*

There was another Clauſe offered, *reſcinding the* 2d *Act of the* 3d *Parliament of* K. Charles II. *in the* year 1681. *Aſſerting the Right of Succeſſion*; upon this Occaſion the Debate was reſum'd much in the ſame terms, as had been on the ſame occaſion on the 9th of *June*, and after ſome time ſpent in the Debate: The Vote was Stated, *whether it ſhould be ſimply reſcinded by an expreſs Clauſe, or if it ſhould only be reſcinded by the General Clauſe, expreſt in the laſt part of the Immediate former Clauſe*, and it was carried to be reſcinded by the *General Clauſe* only.

Then it was moved, That the whole Act of Security; having been now finiſhed, It was proper to give it the approbation of the Houſe, by a finiſhing Vote. But it being late, it was delayed by a Vote.

Auguſt *the* 13*th*.

THE Act of Security was read and approved by a Majority of 59 Voices. See Appendix No. 1.

Auguſt *the* 16*th*.

There were ſome Speeches made beſeeching the Commiſſioners (withall due Deference to Her Majeſties Negative) to give the Royall Aſſent to the Act of Security.

The

The remaining Controverted Elections were taken into Consideration In the Course of which, that of the Town of *Haddington* came to be Debated betwixt Alexander *Edgar*, and the Provost of that Town.

It was urged for Mr. *Edgar*, that he had been duly Elected, by more then two Thirds of the Electors.

It was urged against him, that these Electors had made that Election in a Tumultuary manner, and that to Evidence this, the Provost had Prosecuted Mr. *Edgar*, and his Electors before the Privy Council; Where Mr. *Edgar* and all his Electors were declar'd incapable of publick Trust within the *Burgh*, *for making* their Election in a *Tumultuary manner*.

Upon a Review of this matter of Fact, the Parliament found, that neither Mr. *Edgar*, *nor his Electors* had been Guilty of the *least Tumult* and therefore by a Majority of upwards 100. Votes Mr *Edgar* was immeditately declar'd duely Elected and took his place.

Then it was further Urged, that the Parliament should likewise take off the Sentence of *incapacity*, which had been by the Privy Council put upon those Electors, seeing the Parliament had already Examined the thing, and had admitted the Member as *lawfully Elected*. *

August *the* 17*th*.

THE Lord *Register* inform'd the House, That Captain *Boswell*, who Competed with *James Oswald* in the Controverted Election of the Town of *Kirkaldie* had withdraw'n his Pretensions, and had yielded to Mr. *Oswald*, who thereupon took his place in Parliament.

Some more Speeches were made earnestlie intreating (but still with all deference to Her Majesties Negative) That the Commissioner woul'd give the Royal Assent to the Act of Security.

The Draught of an Act was read Appointing the Advice of Parliament, to be taken in making War or Peace, after Her Majesties Decease and Failing Heirs of Her own Body. This Act was mark'd a first reading,

---

* *This matter was push't on principally by the Earl of* Rothes, *who had the Parallel Case to offer to the Parliament, touching the Controverted Election of the Town of* Kirkaldy, *and therefore it was thought Convenient to treat with him, by Promising him that this Parallel Election should be sustained next Sederunt, provided he should not push the matter any further. It was promised him likewise that these incapacitated Members of* Haddington *and these others of* Kirkaldy, *for whom his Lordship did Interest himself, Shou'd be Restor'd by the Privy Council, upon which the Debate was let fall.*

Auguſt *the* 18*th. and* 19*th.*

THE Act touching Peace and War was further gone upon, and there was ſome alteration made from the firſt Draught.

Then there was a Clauſe offered, That no Forces ſhall be brought into the Kingdom, or Tranſported out of it for Forreign Service, without Conſent of Parliament, but the Conſideration of it was not inſiſted on.

Auguſt *the* 20*th.*

SOME more Addreſſes were made to the Commiſſioner by a great many Members, preſſing that he woul'd give the Royal Aſſent to the Act of Security. All of them concluded in this, That the Paſſing of that Act would Encourage the Members, to go the more frankly upon the matter of the *Subſidies*. Upon this laſt Occaſion It was Repreſented, that the *Negative* had never been aſſerted before the Year 1660.

Then the *Act of Peace and War* was put to the Vote, and approved, See the Act at large in the Appendix.

Then the Draught of an Act and Commiſſion, for the Examining the publick Accounts was given in, and read, and ordered to be marked a firſt reading.

Agreed, that the Commiſſioners be five of each Eſtate, and that no Perſon, who can be accountable for Publick Money's, be choſen a Member of the Commiſſion.

An Act touching the Qualifications of the Members of Parliament, read and given in, and ordered to lye upon the Table.

Auguſt *the* 23*d.*

THE Act and Commiſſion for Examining Publick Accounts was read a Second Time and Approved.

Auguſt *the* 25*h.*

THE Commiſſioners for the Publick Accounts were named in Parliament.

It was mov'd by ſome, that the Parliament ſhould goe upon the Conſideration of ſome Acts of Trade.

It was moved by others; that the Parliament ſhould go upon the Conſideration, of ſome Overtures for Securing the Liberties of the Nation, conform to the Tenor of the Grand Reſolve entered into the 28 Day of *May*.

Againſt this, It was urged that according to the Terms of that Reſolve, The Houſe had already made a Conſiderable Progreſs in the Matters of Religion

Religion and Liberty; That Trade was next *in Order*, *And that* the Low Condition of the Royal Burroughs did Sufficiently demonstrate a neceſſity of making ſome Proviſion for Trade.

A Member ſpoke to this Purpoſe.

THAT the Houſe was going now upon a Debate, whether they ſhould proceed to Overtures for Securing their Liberties, or to particular Acts, for Promoting their Trade: That he heard it advanc'd by a Noble Lord, That they ſhould go upon Acts of Trade, and he finds his Lordſhip *Motives did run* Chiefly upon the Decay of the Royal Burroughs. That no Man within theſe *Walls* was *more Senſible* of the Decay of the Royal Burroughs then he was: Neither was any Man more afflicted for it, or more ready to Concurr in Expedients for their Relief. But that if any Man does Imagine that the Royall Burroughs are any manner of way Concerned or *Intereſted* to Promote the Trade of this Nation, more then the Nobility and Barrons. He begg'd *leave to ſay he is litle* acquainted either with the Courſe and Effects of Trade in Genetall or the State of this Nation in Particular; But he believ'd; It was Obvious to all this *Houſe*, *what was meant by theſe Expreſſions*, Pointed out to the State of Burroughs; That they all know very well, *how the* Eſtate of Burroughs is at preſent repreſented, That they are not Ignorant, that ſome of thoſe Acts which are to be brought in will advance the Cuſtoms, *which* are now Lodged by Collection, in the hands of many of *theſe very* ſame Men, who are here to give *their Votes* in Parliament. How far they may be Predetermin'd by theſe means any Man may judge.

In the next Place, He deſired that it might be duly Conſider'd, what may be the Import and Conſequence of theſe *two Branches*, of the Queſtion now under *Debate*. *By the one It is Projected to* paſs ſome particular Acts for promoting Trade, without regard to the Security of the Nation's Liberties; by the other it is deſigned to ſecure the Nations Liberties, which by a very Natural Conſequence will advance and profect their Trade.

That wherever a Nation is not Secur'd of the Shelter and Protection of their own Government, to ſuch, Trade is but a ſnare, as *this Nation hath moſt* Senſibly felt, in ſome late Deplorable Inſtances, and therefore *he* ſhould reckon it *Labour loſt*, *if this* Nation ſhall think of paſſing *any Acts of Trade*, or ſhall Enter upon any Project of *Commerce*, *Unleſs they* ſhall firſt ſettle ſuch Conditions of Government, and make ſuch Reaſonable Proviſions for their Liberties, as may ſecure them againſt theſe Accidents, which hath hitherto diſappointed all their attempts toward Induſtry and Thriving. And therefore he did ſecond the Motion, for going upon Overtures for Securing the Nations Liberty, *&c.*

After

After some Debate the Question was put——Proceed upon Consideration of Overtures for *Liberty* or Overtures for Trade, and carried Trade by two Votes. Then several Acts for Trade were offered, and read, but nothing marked upon them, nor was there any thing spoke to them.

August *the* 27*th.*

THE Act in favour of the Company, Trading to *Affrica*, and the *Indies*, was read again, and Ordered to be marked a first reading.

As also the Act against Importation of *Irish* Victual.

As also the Act Prohibiting the Exportation of *English and Irish* Wooll, till next Session of Parliament.

Then the Act, allowing the Importation of Wines and Forreign Liquors was read again as follows,

OUR SOVEREIGN LADY, &c. *Statutes and Ordains, that it shall be Lawful, from and after the Date hereof to import into this Kingdom all sorts of Wines, and other Forreign Liquors, Notwithstanding of any former Acts, or Statutes, made to the contrary: Which her Majesty, with advice and consent aforesaid Rescinds, and declares Void and Null; in so far as they are inconsistent with, or contrary to this present Act; The said Wines, and other Liquors, which shall be Imported, paying always the former Customs and Excise and other Duties, Providing nevertheless, that this present Act shall no ways be understood, to allow any Trade or Correspondence contrary to the present Proclamation, and State of War, and the Laws and Acts of* Parliament, *made in such cases.*

After reading, it was moved, that this Act should be marked a first reading.

Against this was urged by a Member.

THIS Act ought to be thrown out, as laying a Foundation for a Commerce very prejudicial to the Interest and Trade of the Nation. That this was found to be so by a very exact inquiry made in Parliament, within these three years, where the State and Ballance of Trade with *France* had been most exactly and deliberately look'd into, in pursuance of which *Enquiry, there was an Act past in the Parliament* 1700; prohibiting the Importation of *French Wines, And that he was surpriz'd* to hear it now propos'd, to rescind this well *digested Act*: Besides he did desire this House may reflect, that when that Law was made, prohibiting the Importation of *French* Wines, The Kingdom of *Scotland* was then in Peace with *France*, and besides the reasons, *which were then* given against that *Trade*, as disadvantagious to the Nation

Nation. There was another *Special* reaſon given, *viz.* That the *French* had taken away from the *Scots* ſome ancient priviledges and Immunities, for which reaſon they did then *prohibit* the Importation *of French* Wines, thereby to oblige the *French* to reſtore to them *theſe* priviledges. That this was done in time of Peace, when *the Scots* knew they might have an Opportunity of Treating with the *French* upon the head: And if they ſhould now take *of that Reſtraint*, and put *that Trade* a going in time of War, when Law prohibits them to enter into any Treaty with the *French*, towards regaining theſe their priviledges. *This were* not only to abandon all thoughts of regaining theſe priviledges, but were likewiſe to proſtitute their Character, as a Nation unworthy to be Treated with, as *having* no rule in their actings, nor the leaſt regard to their priviledges: And therefore he moved, that the Act might be thrown out.

It was urged by one of the *Miniſtry*, That it was very well known, That the Cuſtoms of the Wines was the Chief fund for the *Civil-Liſt*, and unleſs the *Importation of French Wines were* reſtor'd, the Government could *not be* ſupported, *conſidering*, that the funds are now very far deficient.

A Member ſpoke thus.

THAT he heard a reaſon given for promoting this Act, for *Importation of French* Wines, *That it* will ſerve for a Fund to ſupport the *Government*, *He deſired to know*,, what is meant by the ſupport of *the Government? Is this* (ſaid he) to provide a farm or Collection of Cuſtoms, *by the places and other produces, of which the Eſtate of the Burroughs are to be Bribed*, to give their Votes in Parliament? That *the practices* in Relation to this Matter are ſo *Scandalous* that he ſhould think it the intereſt of the Miniſtry, to prevent all occaſion of diſpute, in relation to that matter.

By another Member.

THAT he heard a great deal ſpoke of the Deficiencie of the Civil Liſt And indeed he thought it no wonder, that it ſhould be ſo. That ſince her Majeſties happy Acceſſion to the Throne There *was a ſet* of ſufficient Gentlemen, who offer'd to farm the Cuſtoms at a very good rate, and he knew, that they actually carried the farm at a publick Auction; But that *ſome* one way or another this farm was ſubverted, and the Cuſtoms put *by way of Collection*, into the hands of the Royal Burroughs. That the reaſon of this is very *plain in the* one caſe. the farm duty was a *Liquidat Summ*, and could not have been eaſily Embezled, and the Collecting of theſe Cuſtoms muſt have been in the hands of theſe farmers, *and their own Servants*; But here the Collection is put in the hands *of ſo many of the Royal* Burroughs, who are *Members* of Parliament, and the ſalary of their places being dependent upon the Treaſury, does ſerve them for Bribes, moſt Scandalouſly to corrupt them, to give their Votes in Parliament, and the produce

of

of these Customs, being huddled up betwixt them and the Treasury does serve as a fund for *other* Bribes, and such like *Services*: That he did not think, that ever there was so barefaced and so Scandalous a piece of Conduct in any *Ministry* in the World; And it is no wonder, that we are made slaves, when such Artifices dare be adventur'd upon: That this is no less then to bribe Members to lay on *Customs* and *Supplies*, and to Squander these *Customs* and *Supplies* amongst these, who have laid them on, and thus Her Majesties *Treasurie* is pillaged, and the *Trade* of the Nation is prostituted. But seeing the support of the Government, and the Deficencie of the funds is so much talk'd of, he should here make an offer, which shall demonstrate, that he was very ready to support the Civil-List. *Then he moved*, That the funds, and the expence of the Civil-List might be laid before the House: And he did offer, that there might be a sufficient fund laid on by a *Land-Tax*, or any other certain way, for clearing that Expence, without the burthen of an Act so *destructive to the Trade of the Nation*, and so *Derogatory to Her Majesties Honour*.

This Overture was seconded by a great many.

Then there was a Speech made by one of the Ministry, representing the great Benefit, which would arise to the Kingdom in general, and to the Towns in particular by the French Trade, and concluding, That unless that act were past, the subjects may *plow up their Towns and burn their Ships*.

To this a Member Answered,

THAT since he heard such harsh Expressions as these come from about the Throne, for no other reason, but *to amuse and mislead* the Burroughs with *pretended* Advantages of Trade, the Members must take the Liberty to tell their Mind the more freely: That he did openly aver, That it is plain to all this House, that the Nation is ruined in all its Concerns, both of Liberty and Trade, by the most *Treacherous Artifices of all those, who are in the Ministry*.

Upon this, some about the Throne did say, that these Expressions ought *be taken notice of*.

To which the Member Answered,

THAT he heard it murmur'd about the Throne, that these Expressions *ought to be taken notice of*; But that no body *dared* to take notice of them; for they all knew too well, that what he had spoke was a certain Truth.

It was again urged in behalf of the Act, That upon further enquiry it wou'd be found, That the Trade with *France*, was a Trade Beneficial to the Nation, because the *French* took *Scots Goods from Scotland*, in return for their Wines.

Upon

Upon this a Member spoke to this purpose.

THAT this is in plain Language, laying down a *Foundation for a Trade with France*; That he had heard some time ago a Noble Peer very justly take notice, that the opening this Trade now in time of War would prostitute the Honour of the Nation, as not worthy to be treated with: And he begg'd leave, to add, that he thought some people, who ought to treat *Her Majesty* with all imaginable respect, did by promoting this Act, make a very wide step towards *endangering Her Majesties Honour*, and good understanding with those Potentates concern'd with Her in the *Grand Alliance*. And therefore he did second those noble and worthy Members, who were for throwing out this Act.

To this it was again answered by another of the Ministry, That though the Importation of *French* Wines were allowed, and the Act prohibiting that Trade were rescinded, yet it would be no breach of the Alliance, seeing those Wines might be imported in *Foreign neutral Bottoms*, which are at freedom to Trade both with *Scotland* and *France*.

Then a Member spoke thus,

THAT he had been silent ever since this Act was moved, hoping that the Promoters of it would either have *yielded* to so many solid reasons urged against it, or would have been *dash'd* with so many *rebukes* thrown on them from all corners of this House: But finding this Act still insisted on, he begged leave humbly to offer his Opinion in the matter: That he found two Motives urg'd by those who promoted the Act: The one that it will create *a fund for enlarging her Majesties Customs*: The other that it will promote *a Trade Beneficial to this Nation*.

As to the first he thought it was fully taken of by an Overture, which he had heard made by a Noble Peer, and which he did now second, of Establishing a fund more certain to her Majesty, then what is projected by this Act: If it is rejected, he shall conclude, that it is for no other reason, but that it is *a certain fund*, and consequently less Expos'd to be embezled by the Ministry to such dishonourable uses as have been already spoke of by some Noble and Worthy Members.

As to the second Motive, It appear'd, that two or three years ago there was a very narrow Scrutiny made into the Ballance of Trade betwixt *France* and *Scotland*, and he found the Result was an Act prohibiting the Importation of *French* Wines. And he now heard some people press with no small assurance, that this Trade should be *restored as beneficial* to the Nation.

That it had been very well taken notice of by a Noble Peer, that when that prohibitory Act was past, the *Scots* were then in peace with *France*, and made that Act with a view to a Treaty for regaining their privileges. That by rescinding this Act now in time of War, The Scots Parliament will do a thing equally *disadvantagious* to their *Trade* and *derogatory* to their *honour*. That it is told to encourage this Trade, that it will *employ Scots Shipping, and will export* Scots *product into* France: But when this is Challenged, as *opening an unlawful Trade*, with the Enemies of their Queen and Countrey: The chief instance of *Scots* advantage is *thop'd*. And it is told, that Forreign bottoms are to be the Carriers of this Trade: That this is juggling beyond any thing that ever was heard of in a publick Assembly. And therefore he did Second the Motion for throwing out the Act.

It was again Alledged, by one of the Ministry, that the *English* were more deeply Interessed to maintain her Majesties Alliances than the *Scots*, and yet he knew, that *French* Wines were imported into *England*.

Another Member spoke;

THAT he had heard a great many Arguments used for drawing the Members into a Compliance with this Act, but that he had not heard any one single motive offer'd, which had the Colour of Ingenuity, excepting one, *viz.* That the Customs and Civil-list would thereby be supplied; and as to this he had heard a noble Peer make an offer, which he thought more for the advantage of her Majesties Service: As to the Instance given of the *Example of our* English *Neighbours*, the case is not at all paralell, neither in relation to the ballance of Trade, nor as it respects the State of the alliances. For first the ballance and interest of the *Scots* Trade will not bear it, for that the *English* have no doubt considerable effects in *Holland*, and other places, where some stock of *French* Wines is lodged since the last Peace, and perhaps they may allow their effects to be return'd into *England*, by importing some of these Wines; But the *Scots* have no such effects in any such places. It is not contended by the promoters of this Act, that *Scots* goods with which these Wines are to be purchased are *current* to advantage any where but in *France* it self.

As to prize Wines, that is not the aim pretended by this Act, if it were, that could be taken care of without rescinding these prohibitory Laws, mentioned in the Act.

As to the State of the Alliances, whatever might be pretended from the example of our Neighbours Connivance, yet the Work now propos'd by the Act is of a quite different importance.

The *English* (as is said above) during the late Peace had lodged some effects in *Holland* or some other places, from whence they might at that time have awfully imported *French* Wines, and though now in time of War that Trade is unlawful, yet the Government of *England* is perhaps unwilling to cut short their

Merchants

clients of an opportunity of bringing home these remaining Effects in *French* Wines; and therefore they do connive at that importation, without either abrogating a Law which prohibits that Trade, or making a new Law, allowing and encouraging that Trade, whereas by the Act here proposed, the *Scots* Parliament are about to do both: They are about to make a Law positively allowing that Trade, as is expreſt in the firſt Clauſe of this Act; and leſt any Laws ſhould ſtand in the way, which do either in expreſs terms forbid that Trade, or do in conſequence obſtruct the courſe of it: Therefore there is a general reſciſſory Clauſe adjected, reſcinding all former Acts and Statutes, *In ſo far as they are inconſiſtent with this Act.* All this done ſo ſolemnly in time of War, and in the Face of theſe ſtrict alliances ſo recently made betwixt her Majeſty and her Allies, leaves not the leaſt Colour, whereby to ſhelter this Trade from being look'd upon by all Men, as deſigned directly againſt the State of the War, and Alliances.

That he did own, That the treatment which the *Scots* Nation had met with in matters of Trade, and in Relation to the Alliances and Treaties made theſe Fourteen years paſt hath been ſuch, as might very well diſpoſe this Nation to neglect and thwart theſe Treaties now on Foot. But ſeeing *Her preſent Majeſty* had no acceſſion to that treatment, he did think this Houſe ought ſo far to regard her Peace and Honour, as not to enter into an Act, which ſeems plainly to endanger both. And therefore he did Second that Motion of throwing out this Act as diſadvantagious to the Trade of the Nation, derogatory to its Credit and contrary to theſe Alliances, in which her Majeſty is engaged at preſent.

Another Member ſpoke thus,

THAT if the Arguments which had been offer'd againſt this Act, were not judged ſufficient to convince the Member, that the Trade which was deſign'd by this Act, was *a plain, open, direct Trade with* France, he had an *Inſtance to* offer, which would put the matter beyond all queſtion. The inſtance was this; There was a *Scots* Ship (amongſt others) ſent from hence ſome few Months ago, directly for *Bourdeaux*, and has come directly from thence Loaded with *French* Wines. It ſeems, ſhe had calculated her Voyage to anſwer with the time, at which ſhe expected this Act, now under Conſideration ſhould have been paſt: But when ſhe came into the Mouth of this River, ſhe found things not ready for her ſafe reception, and by Advice from hence ſhe ſtood over for the Coaſt of *Norway*, and now is returned again into the River, and has ſome of the *Scots* Land-forces put on board of her to ſecure her, leſt the Admiral ſhould ſeize her according to Law. The Member did offer inſtantly to produce Evidence of the Truth of this: Adding, that if the Members will, open their

Eyes, they will see this demonstration, for that the Ship he spoke of did lie within their view in the River, and he concluded, that this Scandalous Conduct in a Ministry, did deserve such names as ought not to be exprest, and that for his part he had said a great many such things, upon this and some other Occasions, that he was ashamed to have spoke them; but he found some people proof of every thing, if they can but accomplish their own base ends.

After some further debate, the Question was put —— Mark a first Reading to this Act Yea, or No, and it carried in the affirmative.

August *the* 30*th.*

THE Act in favour of the Company Trading to *Africa* and the *Indies* was read a second time, and approved, *nemine Contradicente*, and is to be seen at large in the Appendix.

August *the* 31*st.*

AN Act Read the first time for a Manufactory of Earthen ware.

As also an Act for Encouraging Shipping and Seamen.

The Act for restraining the Importation of Forreign Victuall read a second time, and approved.

September *the* 1*st* 2*d and* 3*d.*

SOME Acts read in Relation to Wool, and Woollen Manufactories.

September *the* 6*th.*

THIS day (by a Resolve past in the House the 30th of *August*) had been appointed for private business, but immediately after reading the Minutes, the E. of *Marchmont* desired leave of the House to withdraw an Act containing several Limitations upon the Successor, which had been lately presented by him, and was appointed to lie on the Table, but had not yet been read; his desire was granted, and accordingly he withdrew his Act.

Immediately upon withdrawing that Act, he begged leave, to present another in its room, which he desir'd might be read; the Act is as follows;

'WHEREAS, by the Declaration of the Estates of this Kingdom, containing 'the Claim of Right, dated the 11th of *April* 1689. The Crown and Royal dignity

'dignity of this Realm is ſettled and Entailed upon our Sovereign Lady the 'Queen, (therein deſigned the Princeſs *Anne* of *Denmark*) and the Heirs of 'her Body being Proteſtants, and whereas the ſettlement and Entaile of the 'Soveraignty is no farther determin'd and declared, than the Heirs of Her 'Majeſties Body:

Her Majeſty moſt ſeriouſly conſidering, how neceſſary it is for the ſecurity of the Proteſtant Religion, and of the Rights, Laws and Liberties of this Kingdom, That the Settlement and Entail of the Soveraignty, Crown, and Royal Dignity of this Realm be further determin'd and declared: Therefore Her Majeſty with Advice and Conſent of the Eſtates of Parliament, Statutes, Ordains, and Enacts, That failing Heirs of Her Majeſties Body, the Crown and Royal Dignity of this Kingdom, and the Dominions thereunto belonging, ſhall Appertain, and belong to the moſt excellent Princeſs *Sophia, Electoreſs and Dutcheſs Dowager of* Hannover, Daughter to the moſt excellent Princeſs *Elizabeth*, formerly Queen of *Bohemia*, Daughter of King *James* VI. of happy Memory, formerly Sovereign Lord of this Kingdom, and to the Heirs of her, the ſaid Princeſs *Sophia's* Body, being Proteſtants, and that with, and under the Conditions and Proviſions after mention'd and no other ways, *viz.* That the ſaid Princeſs *Sophia* and the Heirs of her Body reſpective do accept receive and take upon them the Soveraignty, Crown and Royal Dignity of this Kingdom upon the terms of the Claim of Right, and of the other Proviſions and Conditions in this Act expreſt; And thereupon take and ſwear the Coronation Oath, mentioned and ſet down in the 21ſt Act of the ſaid Meeting of Eſtates.

The which Conditions and Proviſions are as follows: That the ſaid Princeſs *Sophia*, or the Proteſtant Heir of her Body, being accepted and received as Sovereign of this Realm, ſhall call and hold a full and Free Parliament of this Kingdom, within the ſpace of
after Acceſſion to the Crown.

2. That a new Parliament ſhall be called once in two years, and oftner if the Prince think fit.

3. That each Seſſion of Parliament ſhall have forty free ſitting days, without being ſooner Adjourned, except as to the ſhort Adjournments, from day to Day, which ſhort Adjournments are to be made by the Parliament themſelves.

4. That no Nobleman ſhall Vote in *Scots* Parliaments, unleſs he, or his Father, or Grandfather have been Native born Subjects, or have yearly rent in the Kingdom to the value of ——.

5. That no Perſon having a Penſion from the Sovereign, or being a Tackſman, or a Maſter of the Cuſtoms, Exciſe, or other Revenues of the Crown, or who is an Officer, or under pay in any ſtanding Forces in the Kingdom, ſhall repreſent as an elective Member in Parliament.

6. That

6. That all Officers of State, Members of Privy-Council and Exchequer, shall be chosen in Parliament, and their Commissions to last for four years only, *&c.*

7. That all other Offices and places now in use to be given, during the Pleasure of the Sovereign, shall be given in Parliament, or by the Privy-Council in the intervalls of Parliament, to be allow'd or disallowed by the next Session of Parliament, *&c.*

8. That the places upon the Session Bench be given in Parliament, and their Commissions to be *ad vitam aut Culpam.*

9. That the Princess *Sophia*, or the Protestant Heirs of her Body, received and admitted to the Soveraignity, shall be holden and obliged to use their utmost endeavours to accomplish a treaty Betwixt the Parliaments of the two Kingdoms, concerning a *Free Communication of Trade*, *the Freedom of Navigation*, and the *Liberty of the Plantations*, such as may be most Agreeable to the Interest of both Kingdoms: And that the Royal Assent, and Ratification of both Parliaments shall be given to the said Treaties, *&c.*

To the which Conditions of Government, the Successor (failing Heirs of Her Majesties Body) is to be obliged, and Lyable. And her Majesty with Advice, *&c.* Statutes, that no Successor be design'd, or have access to the Crown of this Kingdom (failing Heirs of Her Majesties Body) or until He, or She accept the Crown upon the Terms of the Claim of Right, and of the Conditions contain'd in this Act, and thereupon take and Swear the Coronation Oath. And that it shall be High Treason, not remissible, but with consent of Parliament, to make offer of the Soveraignty and Crown of this Kingdom, to any whomsoever, or accept, receive and declare any whomsoever to be Sovereign of this Realm, or to administer the Coronation Oath, to any whomsoever; But who accepts the Crown and Soveraignty, upon the Terms and Conditions in this Act appointed and Expresst.

When he moved that the Act should be read, he did not signifie what was the Import of it, and nobody oppos'd the reading of it. Accordingly the Clerk did proceed to the reading of it, and read without any Interruption to that Paragraph, where it Substitutes the *Princess Sophia*, *&c.* No sooner were these Words read, but the whole House fell into a Flame, some moved to have the *Overture Burnt*, some to have the Member who propos'd it *call'd to the Bar*, some to have him sent to the Castle. After the House had show'd a general dissatisfaction against the thing, at length the Chancellor procur'd silence, and the Clerk was ordered to read it to an end. And the E. of *Marchmont* desired it might be marked a first reading, and was seconded by the *M. L——n* and *E. B——n*. But this was so *warmly opposed*, that there was not a vote demanded; And the *E. M——t* propos'd afterwards, that it might be mark'd in the Minutes, expressing the import of it. He gave for his reason, that the Minutes ought always to record the matter

of

of Fact as part in Parliament. And that though the House had refus'd to mark this Act a first reading, yet since it had actually been offered and read. Therefore what was done in relation to it, ought to be mark'd in the Minutes.

A Member spoke thus,

THAT though it is both Customary and proper, that every thing which is moved in the House ought to be *marked in the Minutes*; yet the Act now offer'd by the E. of *M*——*t* ought to be *distinguish'd*, with some particular *Testimony of Indignation* from this House, seeing the generality of the Members had sufficiently shown their Sentiments, in relation to the Nomination of a Successor, and had so frequently in this Session declared it to be their opinion, that the Nation was at present in a very improper State, for *Nominating of a Successor the same with* England. And therefore the best he cou'd say in behalf of this most unseasonable Overture, was to move, that it may be buried in Oblivion, and not mark'd in the Minutes.

Another Member spoke thus,

THAT he heard an Act offer'd, which seem'd to contain some things inconsistent with the Act of Security, which had lately past the Vote of this House, and it was not unlikely, that the jealousie, which the Members have contracted, that this Act of Security is not to receive the Royal Assent, did prompt them to find out new Acts to supply it. That he did very plainly foresee, that this would promote the Jealousie, which this Naton hath already contracted against their Neighbours. And therefore he moved, that the Lord Chancellor might, as the Mouth of the House, Address Her Majesties Representative to give the Royal assent to that Act.

A great many did second this Motion.

The Earl of *M*——*t* did still insist to have his Act marked in the Minutes as a priviledge naturally due to all Overtures.

The Question was stated——Mark the Overture in the Minutes, Yea, or No. And it carried in the Negative by 57 Votes.

September *the 7th.*

AN Act was past the Vote of the House for a Manufactory for Earthen-Ware, and some other private business done.

September

September *the 9th.*

A Member ſpoke thus,

THAT this Seſſion had now ſate very long, and after a vaſt expence of Money, time and pains, had at length paſt an Act for the Security of this Nation: But that no Act hath the *Force of a Law*, untill it receives the Royal Aſſent; and as it would ſerve in a great meaſure, for a Recompence to the Members, to ſee that Act receive the Royal Aſſent, which had ſtood them ſo much *Expenſe, Labour, and Application*, ſo it wou'd no doubt be very ſatisfactory to the Nation, to find that the Royal Aſſent is given to that Act, in which they had placed *no ſmall part of their Security*. And therefore he did beg, That Her Majeſties Commiſſioner would give the Royal Aſſent to the Act.

This Motion was ſeconded by a great many Members, and at length a motion was made, that the Houſe ſhould *addreſs her Majeſty* to give the Royal Aſſent.

Againſt this it was urged, That the Parliament had already done their part, by voting the Act, what remained to be don^e, was the *Queens part*, and that there was no need for addreſſing, ſeeing it was *notified* to the Queen, that the Parliament had Voted the Act.

A Member ſpoke thus,

THAT though the Members had in ſo far done their duty by Voting this Act; yet it would ſeem, that there is ſomewhat further incumbent for them to do, that he did not doubt, but that it was *made known* to her Majeſty by her *Miniſtry*, that this Act has paſt the Vote of the Houſe: But that every Body knows very well, that Courtiers never fail to repreſent *the black ſide* of things, and therefore he did concur with that motion of ſeconding the former Vote of the Houſe, by a *dutiful Addreſs* to her Majeſty.

After ſome further debate, and ſeveral warm Speeches, It was repreſented by the M. of *Tw——all* that he thought it ſomewhat precipitant to Addreſs her Majeſty for her Aſſent, untill firſt the Houſe ſhould know from the Commiſſioner, whether or not he was already inſtructed for that purpoſe, and therefore he begged, that the Commiſſioner would *Declare*, whither he was inſtructed or not, and what the Nation might expect upon that head.

A great

A great many Members did again second this Motion, and all of them did press, that the Commissioner would give the House so much *satisfaction*, as to know whether or not he was instructed to pass this Act: But his Grace gave no answer in the matter.

Another Member spake,

THAT he had seldom seen any benefit reap'd by Addresses, and for that reason he was very little interested, whether this House does at present Address her Majesty or not; That he did think, that these Acts, which the House had Voted, are but very slender fences for the Security of the Nation. That the *Nations ease is desperate*, and the *Provisions* must be suitable. He found that some people are so forward in promoting the Succession of the *House of* Hannover, and some other People in promoting that of the *Prince of* Wales: That they are satisfied to *Sacrifice* their own, and their *Nations Liberty* rather, than not accomplish their designs, That he did consider it a very Melancholy prospect for this Nation, that they are not to expect any of these two Successors, but at the rate of *being Slaves*, not to *their Princes*, but to *their Neighbours*; for supposing, that upon the one hand this Nation should submit either *willingly*, or *by Compulsion* to the Successor of *England*, without such Conditions of Government within themselves, as should secure them against the sole Influence of the *English* Ministry upon their joint Prince, in that case they are no better then Slaves. Or if upon the other hand, the *Scots* should *force their Successor* upon the *English*, without securing to themselves these Conditions spoke of, they must still resolve to be under the same dependance, *when Conquerours, as when Conquer'd*. And therefore, that it was absolutely necessary for them to *settle upon such Conditions of Government, as may place them in a reasonable state of Freedom and Security, whosoever may be the Successor*; That to this purpose he did offer an Act which may satisfie these ends.

First Draught.

OUR Sovereign Lady, with Advice and Consent of the Estates of Parliament, Statutes and Ordains, That after the decease of Her Majesty (whom GOD long preserve) and failing Heirs of her Body, no one shall succeed to the Crown of this Realm that is likewise Successor to the Crown of England, *but under the Limitations following, which together with the Coronation Oath and Claim of Right, they shall swear to observe. That all Places and Offices, both Civil and Military and all Pensions formerly conferr'd by our Kings, shall ever after be given by Par-*

liament. —— *That a new Parliament shall be chosen every Michaelmas Head-court, to sit the first of* November *thereafter, and adjourn themselves from time to time till next Michaelmas; and that they chuse their own President.* —— *That a Committee of 36 Members, chosen by and out of the whole Parliament, without distinction of Estates, shall, during the Intervals of Parliament, under the King, have the Administration of the Government, be his Council, and accountable to Parliament; with power, in extraordinary occasions, to call the Parliament together.*

After the Act was read the Member insisted thus:

That he had not in this Act made any Nomination of a Successor, and it was his opinion, that this Nation is not at present in a Condition for a Nomination; but seeing (as he took notice above) there is a great Zeal amongst some for promoting the *Succession of* Hannover; and no less amongst others, for promoting that of the *Prince of* Wales. Therefore to satisfie both he had here to offer another Act, which he need not read, seeing it is the very same with what is already offer'd in every Circumstance, excepting only, that he has a *Blank* in it, for Nominating a Successor. That he mov'd that the Members might go to Work, and pass this Act, and immediately after that, let each Party try their Strength, and let the strongest carry the *Nomination*, and fill up the Blank, according to the Mind of the Plurality. Thus far he begg'd leave to declare his own opinion, That he had rather concurr in Nominating the most Rigid *Papist with these conditions of Government, than the truest Protestant without them.*

This Motion was seconded by several Members; but others urged against it, That the House was now in the middle of an Act of Trade, which ought to be finish'd before any other Business.

After some debate upon this head, and a great many new Addresses to the Commissioner, to give the Royal Assent to the Act of Security.

Second Draught.

OUR Sovereign Lady, with Advice and Consent of the Estates of Parliament, Statutes and Ordains, That after the decease of her Majesty (whom GOD long preserve) and Heirs of her Body failing,

shall succeed to the Crown of this Realm. But that in case the said Successor be likewise the Successor to the Crown of England, *the said Successor shall be under the Limitations following, &c.*

A Member spoke thus,

THAT he found this House is to get no satisfaction from her Majesties Commissioner at this time: And it seems the Nation is to expect as little good, and seeing it is so, the next best Course is to prevent *Damage* as much as is possible. That it is to be noticed, that there were lately some Meetings betwixt some subjects of both Kingdoms, at which it was told, there were several matters agitated in Relation to an *Union* betwixt the two Nations That he should not descend into an Inquiry in the nature of these powers, by vertue of which, the Subjects of this Nation did meet upon such a Treaty, That these things may be spoke to in *due time*: But at present he humbly conceived, there are two things worthy the Consideration of this House: The one is, that seeing such a Treaty hath been entered upon by some of the subjects of this Nation; it seems strange, that nothing of that sort hath all this Session of Parliament been laid before this House; and therefore he moved, that it be now *laid before the House* to be considered by the Members.

The other is, that seeing there are a great many things to be said in relation to that Treaty which may be more seasonably taken notice of at another time; Therefore he moved, that a *stop* may be put to any further procedure in that matter.

This motion was seconded by a great many Members: And after some debate there was a Motion made and *acquiesced* to without a Vote; That the Progress and advances made in the said Treaty may be laid before the Parliament next Sederunt; And declar'd by a vote of Parliament: *That the Commission granted for the said Treaty is Terminate and extinct: And that there should be no new Commission for Treating of any Union betwixt the Kingdoms of* Scotland *and* England, *without consent of Parliament*. After this was over, there were new Addresses made from a great many Members to the Commissioner, moving his Grace to give the Royal Assent to the Act of Security.

A Member spoke thus,

THAT he was very sorry to find, that her Majesty's Commissioner was so inexorable in a Point which the great Majority of this House had demonstrated to be so much for *the Good of the Nation*; That he was so confident of her Majesties goodness, That if our *Gracious Queen* had been sitting where her Representative now sits, and had heard with *her own Ears*, and seen with *her own Eyes*, the Solemnity with which this Act was past, and the

Earneſtneſs with which her Royal Aſſent is now deſir'd; She wou'd certainly long ere now have gratified the *Mind of this Houſe, and the longings of her People.*

After this, ſome new Addreſſes were made to the ſame purpoſe, but no Anſwer was made from the Throne. And at length a Member ſaid, that ſeeing ſo much had been ſaid without *an Anſwer*, It was better to leave the Commiſſioner to his Reflections upon what was ſaid: That perhaps he wou'd be ready to comply againſt next day: And that therefore he moved the Houſe ſhould proceed to finiſh the *Wool-Act*, which was accordingly gone upon; and after ſome time ſpent in it, The Act againſt Exporting Wool was put to the Vote and approved, as you may ſee at large in the Appendix.

September *the* 10*th*.

The Commiſſioner ſpoke as follows.

My Lords and Gentlemen,

'IT was with a great uneaſineſs to me, that I was forced to be ſilent yeſter-'day, when ſo many did appear Earneſt that I ſhould ſpeak; I have all 'the Inclination in the World, to give you full ſatisfaction. But I thought 'that I ought not to be preſt to give the Royal Aſſent or declare my Inſtru-'ments in Parliament; which I had made known to many noble and worthy 'Members, beſides the Queens Servants.

'Now that theſe Inſtances are let fall, and that you have proceeded to o-'ther Buſineſs: To teſtifie how willing I am to give you Contentment, in 'any thing that is in my power: I tell you freely, that I have received her 'Majeſties pleaſure, and am fully empowered to give the Royal Aſſent to 'all the Acts Voted in this Seſſion, excepting only that Act, entituled an *Act* '*for Security of the Kingdom*, (you may eaſily believe, that requires her Ma-'jeſties further Conſideration) at the ſame time her Majeſty expects you will 'mind your own ſafety, in making neceſſary proviſions for the Troops upon 'the preſent Eſtabliſhment, and that you will put the Trade and Cuſtoms 'on that foot, that the Civil-Liſt may be ſupported, and I intreat Your 'Lordſhips to finiſh theſe as quickly as poſſible; That this Seſſion may be 'put to a ſpeedy and happy Concluſion.

A Member

A Member ſpoke thus,

THAT if this had been ſpoke in the beginning of the Seſſion, it might have ſaved a great deal of labour, and expenſe; for this was plainly to tell the Parliament, that *all their Buſineſs* was to lay on a *Subſidy for the Army*, and *Cuſtoms for the Civil-liſt*, and then the Seſſion ſhould be happily concluded by an *Adjournment*.

Upon this a great many angry Speeches enſued, and the former days Argument was reſum'd.

It was urged, that the third Act, the firſt Seſſion, firſt Parliament K. *Charles* II. (which is the only Act upon which the Negative is founded) was only made to obviate a Practice, which had been uſurped by the Eſtates in the time of the late Rebellion, of making Laws by their own Vote, and promulgating theſe Votes, as having the Authority of Laws without *the Royal Aſſent*. And therefore by this Act mentioned It is declar'd, That the Royal Aſſent *is neceſſary* and eſſential to give the Force of a Law to a Vote of the Houſe; But from thence it cannot be inferred, that the Aſſent can be refuſed to an Act offer'd and ſolemnly paſt the Houſe; and that till of late the Negative had never been interpoſed, and that but in *very few Caſes*.

After ſome debate upon this Head, there was a motion made to addreſs her Majeſty, that ſhe would be pleas'd to gratifie the Houſe in giving her Royal Aſſent to the Act.

Againſt this It was urged, (as it had been the former day) that the Houſe had already done their part, by voting the Act, and that her *Majeſties Servants* had acquainted her Majeſty therewith.

A Member ſpoke thus.

THAT he muſt beg leave to concurr with theſe Noble and worthy Members, who are for the ſeconding the Vote of this Houſe, with a dutiful addreſs to her Majeſty, notwithſtanding it hath been urged againſt that this Houſe have *done their part* by Voting the Act. For that though this Houſe had proceeded to the Conſideration of that Act, with all Imaginable *Deliberation*; yet perhaps her Majeſty may have been informed, That the Members went into it in *a hurry*, Though this Act ſtood a great many more Sederunts then any Act paſt theſe 100 years; Yet perhaps her Majeſty hath been told that it was paſt in two or three Sederunts. Though every

Paragraph

Paragraph of this Act stood a Vote, and that the whole was afterwards Carried by a Majority of 59 Voices, yet perhaps her Majesty may have been told, that there was but two or three Voices in the matter, and that afterwards the whole was carried by a *small* Majority; perhaps her Majesty may have been told, that this Act has been promoted *with a design to Ballance the Prerogative or to raise animosities between the two Nations*, whereas the Chief aim of it is most justly calculated to secure the Nation, against these *pernicious influences*, which Enslave both it's Government and People. That it is Evident that the Members of this House have acted as *Men of Honour*, in representing so justly their own minds and that of their Nation and Constituents by Voting this Act, and that it is no less Evident that whosoever have advised her Majesty to refuse this Royal assent to it (if they are *Scots* Men) have Acted as most *detestable Traytors* to their Country.

Another Member Spoke thus.

THAT he should not debate whether or not the Prince can Interpose the *Negative*. He should allow that it may be Interpos'd; And that if the Nation had been so happy to have had her Majesties *Presence* upon that Throne, where *in person She might have seen* the Deliberation and Solemn Deportment of her Grand Council, and might in *person have received their advice*, If She had afterwards refused the Royal assent, The House must have *Submitted*, and must have believed, that her Majesty in her Princely Wisdom, had *of Her self* made such observations as obliged her to Exert that Faculty of refusing the Royal assent. But seeing her Majesty was not present, the Parliament must impute her Majesties refusal, not to the result of her Majesties own Princely Observation, but to the Siniſtrous Insinuations of a *handful of Men*, who after they are *Over-ruled* by the Reasonings and *Over-powered* by the Votes of the Grand Council of a *Scots* Nation *here below*, have most basely betray'd the Mind of their Nation *above*, by sending their whispers to some designing States Men of our Neighbouring Nation, To whom It is very well known, they are to give an account of their Actings.

Another Member Spoke thus.

THAT though some honest well meaning Men may perhaps have been prejudiced at some *Expressions* used in the beginning of this Session of Parliament

Majesties Prerogative and Interest, as aiming to discompose that good understanding which ought of all things to be Cultivated betwixt the two Nations. Yet he did now firmly perswade himself, that several passages which have Occurr'd in the Progress of this Parliament, and particularly that one now before the House, will entirely blow off all these groundless and will open the Eyes of such honest Men amongst his own Countrey men and will convince the most wilfull amongst his Neighbours, That so long as the State Nation is in this unstable desperate State, her Majesties Government shall be very *unsafe*, and the mutual peace of both nations shall be very *uncertain*.

It was further urged against addressing her Majesty, That seeing her Majesty refused the assent, It would appear that She was Straitned upon the matter, And that to address her would Straiten her more.

To this it was again answered, That the Article of the Act of Security, upon which it was said her Majesty was most Straitned, was the Article of *Communication of Trade* with *England*, and that as to that Article, It had been offered by her Majesties Ministry, and therefore no other Members had Reason to object against it, as tending to put her Majesty to any Straits.

After some further Debate the Question was put—— Address or proceed to other business; and It carried——proceed to other business by 12 Voices.

After this Mr. *Pringle*, who had been Secretary to the Treaty of *Union*, was ordered to lay the Minutes of that Treaty before the House against next Sederunt.

September *the* 13*th*.

IT was moved, that seeing the Royal Assent had been refused to the Act of Security, therefore it was proper to go upon some further Overtures for the Security of the Nation upon the Event of the Queens Death.

Against this it was urged, that the House was concluded by a late resolve to go upon Overtures for Trade.

To this it was Answered, That this last resolve had been entered into after the Act of Security was past the Vote of the House, and whilst it was not doubted, that the Royal Assent won'd be given to it. But that now the Royal Assent being refus'd, the House did naturally recur to the State of their first GRAND RESOLVE entered into the 28th day of *May*.

To

To this it was again replyed, that the Act of Security was now indeed laid aside, but perhaps it might afterward receive the Royal assent which her Majesty had farther Considered of it, and that besides this Act of Security there were some other very valuable acts past in Consequence of that Grand Resolve, Such as the *Act securing Presbyterian Government*, *The Act ratifying the Claim of Right*, &c. to which good Acts the Royal Assent is now promised by her Majesties Commissioner: And therefore it was now high time to go upon some further Acts for Trade.

After long debate, during which a great many warm Speeches past; at length the Question was put——Proceed upon the Act for Limitation, or upon Overtures for Trade, and it carried to proceed upon Overtures for Trade by 11 Voices,

After this Vote was over The Act for Importing Wine was read, and the Question was offered to be put——Approve the first Clause in the Act, allowing the Importation of all sorts of Wine and other Foreign Liquors, yea or no.

Against this State of the Vote it was urged, that it was not a proper state of a Vote: But that the vote should be stated, allow all *French* Liquors, and not all *Forreign* Liquors, seeing all other *Foreign* Liquors, excepting *French* alone, were already allowed to be imported, and that this general word *Forreign*, was only a Cheat and Cloak to cover the design of Importing *French* Wines.

The vote was still insisted on, as at first offered.

The Marquess of Tweddall *spoke to this purpose,*

THAT seeing no arguments could prevail with some People to part from this *Scandalous and Pernicious Act*, He thought it was very proper that all honest Men who wish well to the *Trade of their Country*, and the *Honour of their Queen*, should acquit themselves of the least Accession to it. And therefore before the Act went to the Vote he entred a Protestation for himself and in the name of such as should adhere to his Protestation: *That this Act allowing the Importation of French Wines and Brandy Ought not to pass, as being Dishonourable to Her Majesty, Inconsistent with the grand alliance wherein She is Engaged, and prejudicial to the Honour, Safety, Interest and Trade of this Kingdom.* And he desired That his Protestation may be marked and inserted in the Records of Parliament: And thereupon he ask't Instruments.

To

To this Proteſtation adhered, The Duke of *Hamilton*, Marqueſs of *Montroſe*, The Earls of *Errol*, *Marſhall*, *Rothes*, *Hume*, *Strathmore*, *Roxburgh*, *Haddington*, *Selkirk*, and *Rutherglen*; The Viſcount of *Stormont*; The Lords *Semphill*, *Blantyre*, *Forreſter*, *Bargeny*, *Elibank*, *Belhaven*, *Colvill*, and *Kinnaird*.

Amongſt the Repreſentatives for Shires, *Robert Dundaſs*, *Sir Robert Dickſon*, *George Lochart*, *Andrew Fletcher*, *William Niſbet*, *John Cockburn*, *Sir Robert Sinclair*, *Sir John Hume*, *Sir William Kerr*, *William Bennet*, *William Baillie*, *George Bailly*, *John Sinclair*, *James Hamilton*, *William Cochran*, *Sir Humphry Calhoon*, *Sir John Houſton*, *John Graham*, *James Graham*, *Robert Rolle*, *Thomas Sharp*, *John Hadden*, *Sir Patrick Murray*, *William Oliphant*, *Mungo Graham*, *Sir Thomas Burnet*, *Alexander Gordon*, *John Udny*, *Will Seatoun*, *James Muiet*, *Lodowick Grant*, *Hugh Roſs*, *Sir William Anſtruther*, *David Beaton*, *Henry Balfour*, *Robert Douglaſs*, *Patrick Lyon*, *Thomas Halyburton*, *David Graham*, *Alexander Duff*, *James Brodie*, *Robert Dunbar*, and *John Bruce*.

Amongſt the Repreſentatives of *Burroughs*, *Alexander Robertſon*, *Alexander Watſon*, *Alexander Edgar*, *George Euſon*, *James Oſwald*, *Patrick Bruce*, *Sir John Anſtruther*, *Sir John Areskin*, *James Spittle*, *Francis Malliſon*, *Sir James Hacket*, *George Smith*, *Robert Kellie*, *John Lyon*, *George Brody*, *Sir Robert Anſtruther*, *John Carruthers*, *George Hume*, *James Bethun*, *John Bane*, *Alexander Arburthnet*.

The Clauſe was put to the Vote, and carried in the affirmative.

September *the* 14*th*

THERE was another Clauſe added to the Wine Act, *viz.*—— *Reſerving to the Peers and Barons, the ſame Immunities, and freedom from Cuſtoms of Wines imported for their own private uſe, as they had by former Acts.*

Another Clauſe was offered——obliging the Importers to Inſtruct his having Exported of the Product of this Kingdom, to the value of the Wine and Liquors Imported, but this Clauſe was rejected by one Vote.

A Member ſpoke thus,

THAT though by the Progreſs which is already made in this Act, it would ſeem, that ſome people will condeſcend to nothing which may either ſave the Credit of the Nation, or which may accommodate her Majeſty in relation to her concerns, in the ſtate of the War, and Alliances; Yet from the duty he owed to both, he begged leave ſtill to offer a Clauſe, which may

ſerve at leaſt as a Colour or Cloak to this unlawful Trade. The Clauſe is this —— *That no Scots Ships ſhall Trade directly with* France, *now in time of War.* He added, that this can be no more a Cloak. For by what hath been ſaid by ſeveral Members, it is plain, that none but *Scots* Ships can carry on this Trade. But leaſt the matter ſhould appear too barefaced, he begg'd this Clauſe might be added.

Againſt this it was urged, that the General Clauſe in the end of the Act as at the firſt offered, was Equivalent to ſuch a Prohibition.

Another Member ſpoke.

THAT if what is now urged here had no other Aim, but to ſatisfie the Members of this Houſe, he ſhould be indeed of that Members opinion who ſpoke laſt from the other ſide of the Houſe: That the general Clauſe, or any other Clauſe, or no Clauſe at all is ſufficient for the ſatisfaction of ſome People, whoſe deſigns are ſo puſh'd on by intereſt, that they have regard to nothing elſe. But that this Act is to go abroad to the view of the World, and that it is fit that people may have ſomewhat wherewithall to keep their Countenance, when they ſhall be challeng'd for ſo barefaced dealing. And therefore he did Second the Clauſe.

Another Member ſpoke.

THAT he heard a Clauſe offer'd by a noble Peer for Colouring this unlawful Trade, and that he heard upon the other hand a Motion made, that the General Clauſe expreſt in the end of the Act, as at firſt brought in, is ſufficient for theſe ends. That for his part he thought neither of them was ſufficient to diſguiſe the unlawful deſign of the Act, But ſince it is reſolved right or wrong to have this unlawful Trade ſet a going in ſo direct Terms, it were fit to do ſomething which may at leaſt *amuſe* the World by pretending to Contradict or cover this unlawful deſign. And therefore to prevent any further diſpute he moved, that *both* the *Special Clauſe*, as offered by a noble Peer, and the General Clauſe mentioned in the Act as at firſt offered may be added to the Act.

Thoſe who were forward in promoting the Act, fearing that ſome Members who had Engaged to Vote for the Act, might be diverted by theſe Reaſonings, and apprehending, that ſome more Clauſes might be added, which might altogether Enervate the Act, they offered a State of a Vote — Approve the Act as it ſtood without either the *General* Clauſe, or the *Special* Clauſe

Yea

Yea, or No; and the oppoſing party hoping, that the plurality of the Houſe would never enter into it in theſe terms, they did comply with this ſtate of the Vote, and all of them Voted in the Negative; but ſome of the party were abſent, others of them who repreſented Burroughs were inſtructed by their Conſtituents to go along with this Act, being made believe, that their Towns would find ſome Trade by it; ſome likewiſe of the Nobility, and Repreſentatives of Shires went into it, from an indifferency in the matter and hoping to have good and cheap Wines by it; And all the Miniſtery, went into it, excepting the Marquis of Atholl, ſo that the Act was carried by a Vote, without either the General or Special Clauſe. See the Act in the Appendix.

September *the* 15*th*.

A Member ſpoke thus,

THAT this was a very tedious and Expenſive Seſſion of Parliament, that moſt part of it had been employed in Adjuſting an Act for the Security of this Nation, after her Majeſties deceaſe, that he needed not go back upon the Merits of this Act: The Diligence and Zeal, with which the generality of the Members did promote it, and the univerſal ſatisfaction, with which all ranks of People had ſince received it, was a ſufficient Teſtimony that it is intirely agreeable to the *Scots* Intereſt, and ſuch *Scotchmen* as had a hand in adviſing her Majeſty to refuſe the Royal Aſſent to it, may have heard a very ignominious, though deſerved Character given them the other day.

And now ſeeing the Proviſions which were made for theſe Ends, in this Act of Security are now laid aſide with the Act, therefore He thought it high time for this Houſe to employ themſelves in making new Conditions.

That there is an Act now lying upon the Table offer'd the other day by Mr. which he moved might be the ſtandard of future Deliberations. As that formerly offered by the Marqueſs of *Athol*, had been the Foundation of the Act of Security.

This Motion was ſeconded by many Members.

The Lord Treaſurer Depute ſpoke thus,

THAT this Seſſion of Parliament had now ſat long without making any Progreſs in providing Funds for the Army, which muſt of neceſſity be ſupported, both for maintaining the peace at home, and for defending the Nation againſt Invaſions from abroad: That there is an Act now lying upon the Table, which had been long ago preſented for that purpoſe. And he moved, that it may receive a firſt reading.

A Member ſpoke thus,

THAT it ſeemed very unſeaſonable to propoſe a ſupply at this time, when the Houſe had ſo much to do for the Security of the Nation: It is very well known, that the Parliament ſhall have no time allowed them after the ſupply is granted; and though for his part he did ſee no body unwilling to enter into a ſupply in due time; yet he thought it is very bad Encouragement for the Nation to grant a ſupply when they find themſelves baulk'd of all their labour and expence for theſe ſeveral Months. And when the whole Nation ſees that the Supplies ſerve for no other uſe but to gratifie the Avarice of ſome inſatiable Miniſters.

There enſued a long debate. The Miniſtry upon the one hand urged the Expedience of the Supplies; upon the other hand it was preſt very warmly, to go upon the Overture made by Mr. *F.* for the Liberties of the Nation, eſpecially conſidering, that the Royal Aſſent had been refuſed to the Act of Security.

This Debate laſted long, and very many warm Speeches paſt in behalf of Mr. *F*——'s Act in particular, and the State of the Nation in general, and at length Mr. F. ſpoke in behalf of his own Act, entering into the Detail of it, where he urged a great many reaſons for promoting it, and a great many inſtances of thoſe good conſequences which would ariſe from it.

That it would ſave a great Sum, which was yearly expended by ſuch as go to Court looking after places, that this Sum might ſerve for a good ſtock for Trade. That by this Act the Nation would be free from the influence of *Engliſh* Miniſters, by having their own places beſtowed by a Scots Parliament. That ſuch an Eſtabliſhment will not turn the form of our Government into a Common wealth, for that there are Preſidents of it, in ſome of the moſt abſolute Monarchies in the World, particularly *China*, where all Offices are beſtowed by the Prince, upon recommendation from his ſeveral Councils in the ſeveral parts of his Kingdoms. That the Prerogative will not be impaired by it, for that, as to the Princes concern, it is only changing hands, betwixt the Advice of an *Engliſh* Miniſtry, and that of a *Scots* Parliament; That a *Scots* Parliament muſt know, who are Perſons fit for the Service of their Prince and Nation, better than *Engliſh* Miniſters, who through unacquaintedneſs with *Scotsmen and things* may commit miſtakes hurtful to both Nations. That the *Engliſh* Nation will be gainers by this Act as well as their Prince, for that all the Advantage they have by the preſent Eſtabliſhment, is to have the Vanity of directing *Scots* Affairs by the humour of a few of their own Miniſters, who (as appears of late) have very far miſtaken the Intereſt of *England*, in ſome of their Directions which they gave relating to the *Scots* Affairs: That by theſe means *Scotland* is impoveriſhed and rendered incapable of giving that joynt Aſſiſtance againſt the common

Enemy;

Enemy, which otherways they might, if they were allowed to Conduct their own Trade and buſineſs to the beſt advantage: That theſe ſtraights muſt certainly make the Nation uneaſie in their preſent Condition, and will certainly diſpoſe them to graſp at any opportunity of amending their Conſtitution though to the ruine of their Neighbours.

The Chancellor gave an Anſwer to this Speech Repreſenting the Act, as laying a Scheme for a Common-wealth, and as tending to innovate the conſtitution of the Monarchy.

After the Miniſtery had endeavoured to expoſe this Act (as above) they offered a State of a Vote, give a firſt reading to Mr. *Fl*——'s Act or to the Act of Subſidy.

There were a great many of the Countrey party, who had no mind to go to the full Extent of Mr. *F*——'s Act, but were withall reſolved to go upon the Conſideration of Overtures for the Liberty of the Nation; Theſe did urge another ſtate of a Vote——Overture for *Subſidy* or Overtures for *Liberty*; But the Miniſtery preſt the firſt ſtate of the Vote.

Then Mr. F. ſpoke to this purpoſe, That he had the honour to offer an Act for Securing the Liberties of the Nation againſt *Engliſh* influence: That it was his opinion that the Condition of the Nation was ſo far gone into ruine, That the Proviſions in this Act were abſolutely neceſſary for its Relief, That he doubted not to make this appear by reaſons unanſwerable: But that he found ſome people very ready to pervert the meaning of good deſigns, and leaſt any ſuch bad handle ſhould be made of an Overture, which he had ſincerely deſign'd for the good of his Country, he begg'd leave to withdraw his Overture, adding, that he ſhould be very ready to go into ſuch other Overtures as the Wiſdom of the Houſe ſhould judge moſt proper for the honour and ſafety of the Nation.

Then the other ſtate of the Vote was offered——Overtures for *Liberty* or Overtures for a *Subſidy*.

Here the Miniſtery were at a loſs, for they knew that Overtures for *Liberty* would carry: And by Mr. *F*——'s withdrawing his Act, they were put to Shift for another ſtate of a Vote. This put them to a Conſultation about the Throne, during which time the Members call'd from all Corners of the Houſe for a Vote, upon the Queſtion as ſtated —— *Liberty* or *Subſidy*: during this time a great many warm Expreſſions were thrown upon the Miniſtery from people of all Ranks.

After ſome time ſpent in this manner, during which, ſeveral uncertain and imperfect Overtures of differing ſtates of Queſtions were made: The Commiſſioner moved from the Throne, That if the Houſe would agree to allow a firſt reading, to the Subſidy Act, he did promiſe, that it ſhould not be heard of for three enſuing Sederunts.

A *Member*

A Member ſpoke thus,

THAT he believed that thoſe about the Throne did not expect that this Overture would take in the Houſe; That the Import of it was plainly this, That the Act for a *Subſidy* ſhall get a firſt reading now, Then the Houſe ſhall have three Sederunts for the Liberties of the Nation: Which Sederunts ſhall meet at ſix, and ſhall Adjourn at ſeven; and the fourth Sederunt compleats the Subſidy, after which the Houſe is ſure to be Adjourned: That he was certain the Houſe was better acquainted with the Artifices of the Miniſtery than to be miſled by ſuch Overtures.

Another Member ſpoke thus,

THAT it was now plain, the Nation was to expect no return for their Expence and Toil, but to be put to the charge of a Subſidy, and to lay down their Necks under the Yoke of Slavery, which was prepared for them from that Throne.

Another Member ſpoke thus,

THAT he inſiſted for having a Vote upon the Queſtion which had been put. That he found as the Liberties of the Nation were ſuppreſt, ſo the privileges of Parliament were like to be torn from them; But that he would rather venture his Life, than it ſhould be ſo, and ſhould chooſe rather to dye a Freeman than live a Slave.

Some preſt for the Vote, Adding, That if there was no other way of obtaining ſo natural and undeniable a Privilege of the Parliament, They would demand it with their Swords in their hands.

After a Conſiderable time ſpent in this manner, at length the Chancellor told, That it was yielded, The Parliament ſhould proceed upon Overtures for liberty next Sederunt.

Note, *The Members having aſſurance from the Throne, that next Sederunt they ſhould go upon Overtures for Liberty; they met next Morning in order to prepare an Overture for that purpoſe, and there was one prepared in the Subſtance as follows*———

That the Elective Members ſhould be choſen every year, at the Michaelmas head Courts———That there ſhould be a Parliament held once in two years at leaſt ———That the ſhort Adjournments *de Die in Diem*, ſhould be made *by the Parliament themſelves, as in* England———*That* no Officer of the Army, Cuſtoms, or Exciſe, or gratuitous Penſioner ſhould ſit as an Elective Member: *And if ſuch an Act had received the Royal Aſſent, the Countrey Party had reſolved to have concurred in giving the Supplies.*

September *the* 16*th.*

THE Commiſſioner call'd for the following Acts, and gave the Royal Aſſent, *viz.*

APPENDIX.

I.

ACT *Asserting and Recognizing Her Majesties Authority.*

May 19. 1703.

THE *Estates of Parliament, Considering, That by the Death of the late King* William *of ever Glorious Memory; The Crown and Royal Dignity of this Kingdom is by Right Devolved upon Queen* ANNE, *our present Gracious Soveraign, conform to the Declaration of the Estates of this Kingdom;* Therefore, *The Estates of Parliament for themselves, and in Name and Behalf of the hail Subjects of this Kingdom, Assert, Recognize and acknowledge Her Majesties undoubted Right and Title to the Imperial Crown of this Kingdom: And Her Majesty with Advice and Consent of the said Estates of Parliament, doth* Statute *and* Declare, *that it is and shall be high Treason in any of the Subjects of this Kingdom, to Disown, Quarrel or Impugn Her Majesties Title to the Crown of this Kingdom, or her Exercise of the Government thereof, from her actual Entry of the same.*

II.

ACT *For securing the true Protestant Religion and Presbyterian Government.*

September 16. 1702.

OUR SOVEREIGN LADY, *the Queens Majesty, with Advice and consent of the Estates of Parliament; Ratifies, Approves and perpetually Confirms all Laws, Statutes and Acts of Parliament made against Popery and Papists; and for Establishing Maintaining and Preserving the true reformed Protestant Religion, and the true Church of Christ, as at present owned and settled within this Kingdom:*

As

As likewise *for Eſtabliſhing, Ratifying, and confirming Presbyterian Church Government and Diſcipline*; That is to ſay, *the Government of the Church by Kirk-Seſſions, Presbyteries, Provincial Synods, and General Aſſemblies, as agreeable to the Word of GOD, the only Government of Chriſt's Church within this Kingdom, and particularly without prejudice to the generality aforeſaid, Her Majeſty with Advice and Conſent aforeſaid, Ratifies, Approves, and confirms the Fifth Act of the Second Seſſion of King* William *and Queen* Mary's *Parliament, Intituled an* Act Ratifying the Confeſſion of Faith, and ſettling Presbyterian Church-Government, *in the haill Heads, Clauſes and Articles thereof, as if at length herein ſet down; But prejudice nevertheleſs to the Twenty ſeventh Act of the fifth Seſſion of King* William's *Parliament, Intituled,* an Act concerning the Church, *as to the allowance therein given to certain Miniſters not actually aſſumed by the eſtabliſhed Church Judicatories, under the Conditions and Proviſions always expreſſed in the ſaid Act.*

III.

ACT Ratifying the turning the Meeting of the Eſtates in the Year 1689 into a Parliament.

September 16. 1703.

OUR SOVEREIGN LADY, *with Advice and Conſent of the Eſtates of Parliament, Ratifies, Approves, and perpetually Confirms the firſt Act of King* William *and Queen* Mary's *Parliament, dated the fifth of* June *one thouſand ſix hundred and eighty nine, Intituled an* Act Declaring the Meeting of the Eſtates to be a Parliament; *And of new Enacts and Declares, that the three Eſtates then met together the ſaid fifth of* June *one thouſand ſix hundred and eighty nine, Conſiſting of Noblemen Barons, and Boroughs, were a lawful and free Parliament: And it is declared, that it ſhall be high Treaſon for any perſon to Diſown, Quarrel or Impugn the Dignity and Authority of the ſaid Parliament:* And further, *The Queens Majeſty with Conſent aforeſaid;* Statutes *and* Declares, *that it ſhall be high Treaſon in any of the Subjects of this Kingdom to Quarrel, or endeavour by Writing malicious and adviſed Speaking, or other open Act or Deed, to alter or innovate the* Claim of Right, *or any Article thereof.*

IV. ACT

IV.

ACT Anent Leesing-Makers and Slanderers.

September 16. 1703.

OUR SOVEREIGN LADY, *considering that by the Acts of Parliament following, viz. The Act* James *First Parliament* 2d *Cap.* 43. *Intituled Leesing-makers tynes Life and Goods, Act Ja.* 6th. *Par.* 8. *Cap.* 194. *Anent Slanderers of the King his Progenitors and Realm, Act Ja.* 6th, *Parl.* 10. *Cap.* 10. *Intituled Authors of Slanderous Papers or Writs should be punished to the Death, Act Ja.* 6th *Parl.* 14th. *Cap.* 205. Anent Leesing-makers, and Authors of Slanders, *and Act Ja.* 6th *Parl.* 20. *Cap.* 9. *Intituled an* Act against Scandalous Speeches and Libels, *the Crimes thereinmentioned, are made Capital and punishable by Death and Confication, and that the said Laws have been lyable to Streatches, and that in respect of their generality, and the various Construction which the same may admit, they may be ay to the foresaid Capital punishment of dangerous Consequence,* Doth therefore *with Advice and Consent of the Estates of Parliament, Abrogate and discharge in all time coming the aforesaid Sanction and pain of Death and Confiscation, contained in the said Acts: And* Statutes *and* Ordains, *that the punishment of the Crimes therein mentioned, shall for hereafter only be Arbitrary, according to the demerit of the Transgression, that is, by Fineing, Imprisonment or Banishment; or if the party Offender be poor, and not able to pay a Fine, then to be punished in his Body (Life and Limb always preserved.)*

V.

ACT Anent Peace and War.

September 16. 1703.

OUR SOVEREIGN LADY, *with Advice and Consent of the Estates of Parliament,* Statutes, Enacts *and* Declares, *That after Her Majesties decease, and failzieing Heirs of Her Body, no person being King or Queen of* Scotland *and* England, *shall have the sole power of making War with any Prince, Potentate or State whatsomever, without consent of Parliament; and that no Declaration of War, without consent aforesaid,*

shall be binding on the Subjects of this Kingdom, Declaring always, that this shall no ways be understood to impede the Soveraign of this Kingdom to call forth, Command and Imploy the Subjects thereof to suppress any Insurrection within the Kingdom, or repell any Invasion from Abroad, according to former Laws; and also Declaring, that every thing which relates to Treaties of Peace, Alliance and Commerce, is left to the Wisdom of the Soveraign with the consent of the Estates of Parliament, who shall declare the War, And Her Majesty with Consent aforesaid Repeals, Casses and Annuls all former Acts of Parliament in so far as they are contrary hereunto, or inconsistent herewith.

VI.

Act and Commission Anent the publick Accompts.

September 16. 1703.

FORASMUCH, *as many great Sums of Money have been raised for payment of the Forces in this Kingdom, and for the support of the Government since the Eleventh Day of April 1689 years, That the late King* William *and Queen* Mary *were declared King and Queen of this Realm; And it being just and reasonable, that Her Majesty and the Kingdom may be informed and satisfied if all the said Sums of Money have been faithfully and truely expended and imployed for the ends and uses, for which the same were granted: Therefore Her Majesty with Advice and Consent of the Estates of Parliament, Nominates, Constitutes and appoints the Earls of* Galloway, Northesk, Balcarras, Dunmore, *and the Visount of* Stair, Robert Dundas *of* Arnistoun, *Sir* John Lauder *of* Fountain-Hall, John Halden *of* Glenagles, William Seton *of* Pitmedden *younger*, James Ogilvie *of* Boyne *younger*, Colline Campbel, *Mr.* John Clark, *Mr.* Dougal Stewart, *Sir* David Cuninghame, *Mr.* Robert Frazer *to be Commissioners (and the Major part of them to be a* Quorum) *for taking of the Accompts of all Moneys of the publick Revenues, which were in the hands of the Collectors of the Cess, Commissaries of the Forces, Taksmen and Collectors of the Cess and Excise, upon the said Eleventh Day of* April 1689, *and of all Arrears thereof, and of all Cess, inland Excise annexed or additional, Pole-money, Hearth-money and Tunnage falling due since the said Eleventh of* April 1689, *and how, and in what manner, and by whom and to whom the same hath been ordered, payed and disposed; as also for taking the Accompts of all the Stores, Provisions, Habuliements for War which were in any of Her Majesties Garrisons, Store-Houses or elsewhere, upon the said Eleventh day of* April, *and to set down what Sums of Money, Provisions, Stores and other Things whatsomever have been provided, payed or disposed of at any time since the said Eleventh*

day

day of April, 1689, for the payment or maintenance of the Forces or other publick charges, and for buying, furnishing and Setting to Sea, the Ships of War that were bought for the use of the Nation; And for the better enabling of the said Commissioners or their Quorum aforesaid, to take the said Accompts, They are hereby impowered and authorized to call for the Clerks of the Exchequer, General Receivers, Tacksmen and Collectors of the Excise, Commissaries and Pay-masters of the Forces, Collectors and Tacksmen of the Pole-money, Hearth-money and Tunnage, and all other persons imployed in managing, paying, receiving or disposing of the said Supply, Excise, Pole-money, Hearth-money, and Tunnage, and all Provisions, Victuals and Stores of War, and to call for all other persons whatsomever, whom the said Commissioners or their Quorum shall think fit to examine, in order to the taking off and enquiring into the said Accompts; And for the better executing of the said Commission, the saids Commissioners, or their Quorum, are hereby Impowered and Authorized, to send for such Books, Papers, Writings or Records as they shall judge necessary for their Information in all things relating to the said Accompts, and to take Information upon Oath for the better Discovery of the Inquiries to be made: And it is specially provided, that whoever shall make Discovery of any Imbezlements or Misapplications of the said Fonds, shall have Ten of the hundred of what shall be discovered for their pains. And farder, the said Commissioners, or their Quorum, are hereby impowered to enquire into and examine any Briberies or Corruptions in any persons concerned in the managing, ordering, paying, receiving or disposing of the said publick Moneys, if any such Briberies or Corruptions have been used. As likewise, the said Commissioners, or their Quorum, are hereby Authorized and Required to call for the Muster-Masters, and see if they have done their Duty in relation to the Mustering of the Forces, and what Faults and Neglects have been on their part. As also, to enquire if all the Regiments, Companies and Troops have always been kept full, according to the Establishment, and if the Commanders in chief, Colonels and other Officers have been any wise wanting in that matter, and have not had their Regiments, Companies and Troops full according to the Establishment, that a particular account thereof be set down, and the said Commissioners, or their Quorum, are hereby Impowered and Authorized to call for all persons whom they shall think fit, and examine them upon Oath, and to call for all such Papers, Books, Writings or Records as they shall judge necessary for their Information in this matter. As also, the said Commissioners, or their Quorum, are hereby Authorized and required to inquire into and take trial of what Eases and Abatement have been granted and to whom, and this Act and Commission is to endure to the next Session of Parliament. But it is hereby provided, that all persons who are obliged to Compt to Her Majesty for such Sums of Money as are and shall be received and given out by them, shall still be obliged to compt to the Lords of Thesaury, or Lord High Thesaurer or Thesaurer Depute for the time, for the Sums received and given out by them, according to the usual custom, notwithstanding of any thing contained in this Act; And the said Commissioners are hereby ordained to make a Report of their Proceedings in the said Matter in Writing to the next Sessions of Parliament, providing always that the proceedings already made by former Commissions

sions of Parliament anent the Pole-money given by the Parliament 1699. shall stand in full force, with power to the said Commissioners, and their Quorum aforesaid, to proceed where the former Commission left, toward the concluding that Affair, by making a dividend of the Money now in the hands of the Cashier of the former Commission, according to the several just Pretensions of the Officers; and the first dyet of their Meeting is hereby appointed to be at the Low Council House of Edinburgh the first lawful Day after this Session of Parliament by Ten a Clock in the Forenoon, with power to Adjourn their Meetings thereafter to such Times and Places as they shall think convenient. And lastly, Providing that this Act and Commission shall not prejudge Her Majesties Right of Annexation of the said Excise, by vertue of any former Act of Parliament.

VII.

Act Discharging Butchers to be Grasiers.

September 16. 1703.

OUR SOVEREIGN LADY, *with Advice and Consent of the Estates of Parliament, do hereby* Prohibite *and* Discharge *all Butchers or Fleshers to Take, Brook, or Possess either by themselves, or any others for their Use and Behoove, directly, or Indirectly, any Parks, Inclosures, or any other Lands whatsomever, less, or more, exceeding one Acre, under the Penalty of one Hundred Pound* Scots *for each time they Contraveen; And also to Forfault the whole Nolt and Sheep that shall be found in the said Parks, Inclosures, and Grasings belonging to them, the one half thereof to be imployed for Her Majesties Use, and the other half to the informer:* And further, *Do hereby* Declare *the Contravener to lose his Freedom, as an Burgess in all the Burghs of this Kingdom.* And likewise, *Declares all Tacks already made, or to be made, with any Butcher or Flesher, or for their Behalf, anent the Set, or Farm of all Parks, Inclosures, and other Lands whatsomever, exceeding an Acre to each Butcher, or Flesher, (unless the same be Tilled and Sown with Corn yearly) to terminate, and be void and null after the Term of* Whitsunday *next to come.* And further, *Her Majesty with Advice and Consent aforesaid,* Statutes *and* Ordains, *that it shall be leisome to all persons whatsomever, to Sell, and Break all sorts of Fleshes on every Lawful day of the Week, and that in all the Burghs and Towns of this Kingdom, free of any Imposition whatsomever, the petty Custom of Burgh excepted.*

VIII. Act

rch
tions

VIII.

Act *in favours of the Company Trading to* Africa *and the* Indies.

September 16. 1703.

OUR SOVEREIGN LADY *the Queens Majesty, taking into Consideration, the many Obstructions, Losses and Disappointments which the Company of this Her ancient Kingdom Trading to* Africa *and the* Indies, *have from time to time met with, in the Prosecution of their lawful Endeavours, for advancing the Interest of so National a Concern; and being most willing to give them Her Royal Countenance and Protection, in all their just Designs and Undertakings: Doth with Advice and Consent of the Estates of Parliament as a Mark of Her Royal Favour,* Ratifie, Approve, *and* Confirm, *the 8th* Act *of the 5th* Session *of King* William's Parliament, *with the Letters patent following thereupon, in all the Heads, Clauses, Articles and Conditions therein contained; As also the 13th Act of the 8th and 9th* Sessions *of the same Parliament, and all others already past in Favour of the* Company; *and likewise her Majesty with consent aforesaid,* Declares, *that as the said* Company *is fully and sufficiently Authorized and impowred to grant Permission and communicate its Privileges to others, whether Natives or Foreigners; so in like manner, all Persons and Ships Trading to* Asia, Africa, *or* America, *by the Commission, or Permission under the said Companies Seal, and returning to* Scotland *in the terms of the said Act of Parliament, and Letters Patent, are and shall be thereby Intituled to, and Invested with all Privileges and Immunities contained in the said Acts, as fully and freely in all respects, as if the absolute Property of both Ship and Cargo, did intirely belong to the said* Company.

IX.

Act *Discharging Importation of* Irish *Victual, Beef and Cattel.*

September 16 1703.

OUR SOVEREIGN LADY, *with Advice and Consent of the Estates of Parliament,* Ratifies *and* Approves *the 3d* Act *3d* Sess. 2d. Parl. *King* Charles II. 1672. *Entituled* Act Discharging the Importation *of* Irish Victual: *As also, the* 14 Act *of the 2d* Sess. *of the*

1st Parl. of King James the VIIth 1686. Intituled, an Act against Importing of Irish Victual and Cattel, excepting the Clause 2d Act 1686. That all the Victual that shall be imported shall be sunk and Destroyed; Declaring, that in place thereof it shall only be confiscat, as in the said former Act, 1672. And farder, for the more Effectual Prohibition of the Importing of the said Irish Victual, prohibited to be imported by the said Acts: Her Majesty with Advice and Consent aforesaid, Statutes and Declares, that all Importers of the Irish Victual, as well the Masters as Seamen of the Vessels wherein it is imported; As also, the Resetters, Sellers, Retailers, or Buyers thereof, or any part thereof wittingly, shall be not only lyable in the Fines and Penalties statute in the said Act of Parliament 1672. But likewise, all under the Degree of Heretors, shall be delivered to any Scots Officer serving her Majesties Allyes abroad, and to be transported by them for Recruits, when once discovered and convicted, at any time within the space of six Months after their said Delinquency; Which Delinquency may be cognosced and tryed by any Judge ordinary, and that at the instance of any person whatsomever, that shall think fit to accuse, and to be proven prout de jure, and which Judges Ordinary, are hereby fully impowered to that Effect; Like as for preventing all Connivance, or Collusion in this Matter, the Seizer of any such Victual imported, who for his Encouragement, is declared by the said Act, 1686, to have the Vessel wherein the Import was made, to be disposed of as his own, shall be obliged first to make the Victual forth-coming to the said Judge Ordinary, without any Diminution or Imbezlement, and the foresaid Judge is immediately to give an account thereof to the Lords of the Thesaury, to the effect that they may order the same to be transported furth of the Kingdom with the first conveniency; The Product whereof shall belong to the said Seizer or Discoverer: And if the said Judge Ordinary shall failzie therein, or shall any manner of way Collude or Connive with the foresaid Importers, or shall accept of a Bribe from them, either directly or indirectly, by Servants, or others intrusted or imployed by him for that Effect, or shall Transact or Compone with the said Importers, or any others for their behove, otherways than in the precise Terms of the Acts of Parliament above-mentioned; Then, and in either of these Cases, the said Judge Ordinary shall be fined in the Sum of one thousand pound Scots, toties quoties, the said thousand pound to belong wholly to the Informer; And farther, shall be declared incapable of all publick Trust forever thereafter; And it is farder hereby provided and declared, that it shall be lawful for any person whatsomever to inform against, and prosecute the foresaid Judges Ordinary before the Lords of privy Council, Lords of Session, Commissioners of Justiciary, or other Judges competent as they shall think fit, and that at any time within two years after committing of the Facts. And farder, Her Majesty with Advice and Consent aforesaid, extends the aforesaid Acts hereby ratified, as also this present Act, with the Prohibition and pains therein contained, against all importing by Sea or Land, and against all

Buying

Buying, Selling, Reſetting and Retailing wittingly of any Victual from England, or any Country whatſomever into this Kingdom, excepting always that Wheat, Peaſe, and Beans for Seed, may be imported from England, upon payment of Fourty Shillings more than the ordinary Cuſtom per Boll, if fairly imported and entered, or otherways the ſaid import of the ſaid Wheat, Peaſe and Beans, though by Land, ſhall be judged an unlawful import, and lyable to the pains abovementioned, attour the Confiſcation of the Horſes that ſhall be made uſe of for the ſaid Import; And farder, for preventing all Fraud in this Matter, under the colour of Tranſporting Victual from one Port or Place in the Weſtern Shires mentioned in the ſaid Act, 1672. It is Statute and Ordained, that the Tranſporters thereof ſhall bring Certificats from the Heretors, or their Factors upon whoſe Lands the ſaid Victual Tranſported grew, teſtifying the ſame in the preciſe Quantity and Quality to be the Grouth thereof; Which Certificats ſhall be firſt ſhown to the Judge Ordinary of the Port or Place to which the ſaid Tranſport is made, before the Victual be Levered or Unloaded, otherways the aforeſaid Victual ſhall be holden to be unlawfully imported, and the Importers, Reſetters, Sellers, Retailers, and the Buyers abovementioned, lyable to all the Pains aforeſaid; Like as, the Granters of the ſaid Certificats, if found to be falſe, or the ſaid Judge of the aforeſaid Port or Place to which the Tranſport is pretended to be made failzeing in his Duty, or any ways conniving againſt the true Meaning of this Act, ſhall be lyable for the ſame Pains as if unlawful Importers. And it is declared, that the Veſſels wherein the ſaid prohibited Import is made, may be not only Arreſted, Leaſed, or Confiſcat, where, and when the Import is firſt made, but at any place or time thereafter, within the ſpace of two years: It is always hereby provided, That when by reaſon of Dearth, the prices of Victual, exceed the Rates aftermentioned, viz. Wheat Twelve pound the Boll, Bear, Barly, Malt and Meal, Eight pound per Boll, and Oats and Peaſe ſix pound per Boll: The Lords of Her Majeſties Privy Councill, ſhall have power after due tryal by them taken, to ſuſpend and diſcharge the Execution of the ſaid prohibitory Acts for ſuch ſpace and time as the exigence of the ſaid Dearth ſhall require, and no longer; As alſo Her Majeſty with Advice and Conſent foreſaid Prohibits and Diſcharges the importing into this Kingdom of any Horſe, Kine, or other Irish Cattel whatſomever, and all kind of Irish Beef, upon any pretext whatſomever, and if any Collector, Surveyor or Waiter, ſhall connive at the importing of any ſuch Kine, Horſes, Cattel, Beef or Victual, they ſhall ipſo facto be deprived of their ſaid Offices, and declared incapable of any publick Office within this Kingdom in time coming, and that the Importers ſhall incurr the Penalties and Certifications contained in this or any other former Acts anent Importation of any Irish Victual or Cattel; and hereby Reſcinds, Caſſes and Annuls all Acts and Clauſes of Acts impowering the Lords of privy Council to give

Licence for importing Horſes, Nolt, or other Cattel, Beef or Victual, except in the caſe of Dearth foreſaid.

X.

ACT *Continuing the Prohibition of Exporting* Engliſh *or* Iriſh *Wool till the next Seſſion of Parliament* incluſive.

September 16 1703.

OUR SOVEREIGN LADY, *and Eſtates of Parliament*, Conſidering, *That by the* 9th *Act*, 9th Seſſion of *King* William's Parliament, *Intituled*, Act diſcharging the Exportation of Wool. *It is Declared, that notwithſtanding the general prohibition, yet as to the export of* Engliſh *and* Iriſh *Wool, the prohibition ſhould only endure to the then next Seſſion of Parliament* incluſive, *whereby the Prohibition is terminate, and Her Majeſty and Eſtates of Parliament alſo conſidering the prejudice that would ariſe to the Manufactories of this Nation and improvement thereof, by Exporting* Engliſh *or* Iriſh *Wool: Do therefore continue the Prohibition as to the* Engliſh *and* Iriſh *Wool untill the next Seſſion of Parliament* incluſive, *And all perſons whatſomever, are hereby Diſcharged upon any pretence, to Export any kind or ſort of Wool, under the pain and penalties contained in the Act abovementioned.* Providing always, *that notwithſtanding any thing in this or the foreſaid Act, or any former Law, it ſhall be leifum to export all ſorts of Sheep-Skins and Lamb-Skins with Wool upon them, or otherways, untill the ſaid next Seſſion of Parliament* incluſive, Declaring *nevertheleſs, that it ſhall not be lawful to export ſuch Skins from any other Ports within this Kingdom, excepting theſe of* Burrowſtounneſs, New-port, Glaſgow *and* Dumfries. *And Her Majeſty with Advice and Conſent aforeſaid, Ordains the ſaid Skins to be packed at the ſaid Ports, in Preſence of the Collector or Surveyor thereof, who ſhall be obliged to Seal the ſaid Packs* gratis *without delay, with power to any of the ſaid Woolen Manufactories, or Deaconries of the Glovers within this Kingdom, to commiſſionate a perſon to attend at the ſaid Ports, and to concur with the Collector or Surveyor in packing and ſealing the ſaid Skins; Which Skins ſhall be lyable to a Duty of* Five per Cent *of the Value in place of all other Duty, to be exacted by the Collector without abatement, (excepting mort-Lamb Skins, which are hereby allowed to be exported at*

any

any Port in the Nation, free of any Duty whatsomever:) And the Value of the said Skins is to be according as the Owner or Exporter thereof shall estimate the same under his Hand, at or before Sealing; And for preventing Fraud, the Owner or Exporter shall be bound to sell the same at the Estimate he puts upon them, the Price being payed or really offered in ready Money by the said person to be commissionat by the Manufactories or Glovers, or any other person who shall be obliged to Manufacture the same within the Kingdom; And in case of such payment, or real Offer, and refusal of the price, the Exportation is hereby prohibited; And it is hereby declared, that albeit the Wool whether Scots, English, *or* Irish, *be not found or seized before Exportation, nor the Delinquents, whether Merchants, Exporters, Masters, Skippers of Boats or Barks, Collectors, Surveyers or Waiters, or other Connivers, Assisters, or Abbetors; Their Delinquency or Contravention of the foresaid Act, may be proven by their Oath, or otherways as accords of the Law; And all this but prejudice of the foresaid Act, which stillstands in its full force, except in so far as is hereby altered.*

XI.

Act *Allowing the Importation of Wines and other Foreign Liquors.*

September 16. 1703.

OUR SOVERAIGN LADY, *with Advice and Consent of the Estates of Parliament, Statutes and Declares, That it shall be lawful from and after the Date hereof, to import into this Kingdom all sorts of Wines and other Foreign Liquors, any former Act or Statute to the contrary notwithstanding. Which Her Majesty with Advice and Consent, aforesaid Rescinds and Declares void and null, in so far as they are inconsistent with, or contrair to this present Act; The saids Wines or Liquors which shall be imported, paying always the former Customes, Excise, and other Duties,* Reserving *to the Peers and Barrons of the Kingdom the same Immunities and Freedoms from Customs for Wines, which they had by the Two hundred fifty one Act, fifteen Parliament of King* James *the Sixth.*

OUR

Our Sovereign Lady the Queens Majesty, with advice and consent of the Estates of Parliament, Doth hereby statute and ordain; That in the Event of her Majesties Death, or the Death of any of Her Majesties Heirs, or Successors, Kings or Queens of this Realm: This present Parliament, or any other Parliament that shall be then in being, shall not be dissolved by the said Death; But shall and is hereby required, and ordained to assemble to sit and Act in manner aforementioned, Notwithstanding of the said Death: And if the Parliament be under Adjournment the time of the said Death, It shall notwithstanding meet at Edinburgh precisely the twentieth Day after the Death aforesaid, excluding the Day of the Death, whither the day of the said Adjournment be sooner or later. And it is further statuted and ordained, That in case there shall be no Parliament in being at the time of the said Death; then the Estates, or Members of the last preceding Parliament, without regard to any Parliament, that may possibly be indited, but never met nor constituted, shall meet at Edinburgh on the 20th day after the said Death, the day thereof excluded. And further, providing that in all, or any of the said Cases, if there shall happen to be any Vacancy of a Member, by reason of Death or Promotion, The Barrons or Bourghs concerned, shall have power to choose and to supply the said Vacancy in the accustomed manner. As likewise, that in all or any of the said cases, no Person, who hath been, or shall be then Papist and hath not purg'd himself of Popery by taking the Formula set down in the 3d Act of the Parliament, 1700, before the said Death, shall be capable to be a Member of, or to elect, or be elected, to the said Meeting of the Estates of Parliament. And likewise, that no Englishman nor Foreigner, having a Scots Title, and not having an Estate of twelve thousand pound Scots yearly Rent, within this Kingdom, shall in the Event aforesaid, have place and Vote in the said Meeting of Estates; And the said Estates of Parliament appointed in case of the Death aforesaid, to continue or meet as abovementioned, are hereby Authoriz'd and impowered, to Act and Administrate the Government in manner after-mentioned;

ned: That is, that upon the Death of her Majesty, leaving Heirs of her own Body, or failing thereof, Lawful Successors design'd and appointed by her Majesty, and the Estates of Parliament, or upon the Death of any Succeeding King or Queen, leaving Lawful Heirs, or Successors, as said is; The said Estates of Parliament are authorized, and impowered, by themselves, or such as they shall Commissionate, to readto the said Heir or Successor the Claim of Right, and delire them to accept the Government in the Terms thereof; and then to receive, and administrate to the said Heir or Successor the Coronation Oath, and that with all convenient speed, not exceeding thirty days after the Meeting of the said Estates, if the said Heir or Successor be within the Island of Brittain, and if out of the same, not exceeding three Months after the said Meeting, in order to their exercising the Regal Power, according to the Declaration of the Estates, containing the Claim of Right. As also in case the said Heir, or Successor shall be under Age, which as to the Exercise of the Government is hereby declared to be until their attaining to Seventeen years compleat; to provide for, order and settle, within the space of forty days after the said Meeting, a Regencie for the Kingdom, until the said Heir or Successor take the Coronation Oath, and be actually enter into the Exercise of the Government. The Regent or Regents to be so appointed, having always the Claim of Right read to him or them, and he or they taking at his, or their entry the Coronation Oath. And the said Regent or Regents to continue for such space, as the said Estate s shall appoint; After the entry of which Heir, or Successor to the Exercise of the Government in manner aforesaid, or the setting of the Regency, in case of under Age. The said Estates of Parliament, shall only continue to sit and Act for the space of three Months, unless they be sooner lawfully adjourned or dissolved by the said Heir, or Successor being entered, or by the Regent or Regents Lawfully settled as said is.

And further, upon the Death of her Majesty, without Heirs of her Body or a Successor lawfully design'd, and appointed by her Majesty, and

Estates

Estates of Parliament, or in case of any other succeeding King or Queens deceasing without lawful Heir or Successor, The foresaid Estates of Parliament are hereby authorized and empowered, to nominate and declare the Successor to the Imperial Crown of this Realm, and to settle the Succession thereof upon the Heirs of the said Successors Body, the said Successor and the Heirs of the Successors Body; being always of the Royal Line of *Scotland*, and of the true Protestant Religion.

Providing always, that the same be not the Successor to the Crown of England; unless that in this present Session of Parliament, or any other Session of this or any Ensuing Parliament, during her Majesties Reign, there be such Conditions of Government settled and Enacted, as may secure the Honour and Soveraignty of this Crown, and Kingdom: The Freedom, frequency, and power of Parliaments, The Religion, Liberty and Trade of the Nation, from English, or any Foreign influence, with power to the said Meeting of Estates to add such further Conditions of Government, as they shall think necessary, the same being consistent with, and no ways Derogatory from these, which shall be Enacted in this or any other Session of Parliament, during her Majesties Reign. And further without prejudice to the generality foresaid, It is hereby statuted Enacted and declared, that it shall not be in the power of the said Meeting of Estates, to name the Successor of the Crown of England to be Successor to the Imperial Crown of this Realm, nor shall the same person be capable in any Event, to be King or Queen of both Realms; unless a free Communication of Trade, the freedom of Navigation, and the Liberty of the Plantations be fully agreed to, and Established, by the Parliament and Kingdom of England, to the Kingdom and Subjects of Scotland, at the sight and to the satisfaction of this or any insuing Parliament of Scotland, or the said Meeting of the Estates.

And it is hereby declared, that the said Meeting of Estates shall not have power to nominate the said Successor to the Crown of this Kingdom, in the Event above expressed, during the first twenty days after their Meeting, which twenty days being elapsed, they shall proceed to make the said Nomination with all convenient diligence: And it's hereby Expressly

provided

prohibited and declared, That it shall be high Treason for any person or persons to administer the Coronation Oath, or to be witness to the Administration thereof, but by the Appointment of the Estates of Parliament, or to own or acknowledge any person as King or Queen of this Realm, in the Events aforesaid, until they have Sworn the Coronation Oath, and accepted the Crown in the Terms of the Claim of Right, and of such other conditions of Government as shall be settled in this, or any ensuing Parliament, or added by the said meeting of Estates, and be thereupon declar'd and admitted. Which Crime shall be irremissible without consent of Parliament.

And because in the foresaid Interval of Twenty days betwixt the said Death and Meeting of the Estates of Parliament, in case there be no Parliament assembled for the time; Tis necessary, that the Administration of the Government be provided for, in that Interim. Therefore It is hereby Declared, That in all or any of the Events abovementioned the foresaid Administration shall be in the hands of such of the members of the said Estates of Parliament, and such Members of the Privy Council Last in being, as shall be at Edinburgh, the Time of the said Death, or shall come to Edinburgh, before the foresaid twentieth Day, and shall meet in the Parliament House there: Which Members of the Estates, and the said Members of the said Privy Council are hereby Empowered to Sit, and Act in the said Interim, for Preserving the Peace and the quiet of the Kingdom only, and untill the said Meeting of the Estates, and no longer: Thirty of the said Members of the Estates, and Members of the Privy Council being a Quorum, the Plurality being always of the Estates, who were not of the former Council.

And It is hereby further statuted and Ordained, That all Commissions granted to the Officers of State, Lords of Treasury, and Exchequer, President of the privy Council, and all other civil Commissions, which are now granted dureing Pleasure, shall by the Decease of the King or Queen Reigning, become null and void, excepting Sheriffes, Stewards and Justices of the Peace in their respective Bounds.

And for a further Security to this Kingdom, Her Majesty

with advice and consent aforesaid, Statutes and Enacts, That the whole Protestant Heretors, and all others within this Kingdom shall furnish and provide themselves with fire Arms, for all the Heritable Shire, who are to Contribute within their respective Bounds, and whole Arms to be of a Bore proportioned to a Bullet of fourteen to the pound weight. And the said Heretors and Burgesses are hereby required and ordained to discipline and Exercise their said Tenents Men once in the month at least: The said Heretors always taking the Oath of Allegiance, and abjuration. As also such Heretors or Tenents who are Subjects of Papacy, are hereby appointed and ordained to take the Oath of Allegiance in the Court of Parliament before the Sheriff of the Shire, or any other Judge within whose Jurisdiction they reside.

And It is hereby likewise Statuts and Ordained, That upon the Decease of her Majesty, or any of her Heirs or Successors, the Commissions of all Officers of the standing Forces above a Captain, shall Immediately become void and null, and that the Captains of the several Troops and Companies and the Lieutenants of those, that have belonged to the Colonnels, Lieutenant Colonels and Majors do continue to Command their respective Troops, and Companies without Extending their Command any further under pain of Treason, till further Order from the said Estates or Committee in the Interval.

And her Majesty with advice and Consent foresaid, Requires and Ordains all Officers and Soldiers, which shall happen to be on daily pay at the Time of the Decease foresaid, to continue in or immediately to repair to their respective Garrisons or Quarters, and not to remove from thence but be Order of the Estates or Committee above mentioned upon pain of Treason

And Lastly, her Majesty with advice and Consent foresaid, Rescinds, Casses and Annulls, the Seventeenth Act of the Parliament one Thousand six Hundred and ninety six years, and all other Laws and Acts of Parliament in so far as they are Inconsistent with this Act.

FINIS.

arch
ations

The Claim of Right

WHereas his Royal Highneſs, William then Prince of Orange, now King of England, whom it hath pleas'd the Almighty GOD to make the Glorious Inſtrument of delivering theſe Kingdoms from Popery and Arbitrary Power, did by the Advice of ſeveral Lords and Gentlemen of this Nation at London for the time, call the Eſtates of the Kindom to meet the fourteenth of March laſt, in order to ſuch an Eſtabliſhment, as that their Religion, Laws and Liberties, might not be again in danger of being ſubverted; and the ſaid Eſtates being now Aſſembled, in a full and free Repreſentative of this Nation, taking to their moſt ſerious conſideration, the beſt means for attaining the ends aforeſaid, do, in the firſt place, as their Anceſtors in the like caſes have uſually done, for the vindicating and aſſerting their ancient Rights and Liberties, declare,

That by the Law of this Kingdom, no Papiſt can be King or Queen of this Realm, nor bear any Office whatſoever therein; nor can any Proteſtant Succeſſor exerciſe the regal Power, until he or ſhe Swear the Coronation Oath.

That all Proclamations aſſerting an abſolute Power, to Caſs, Annull, and diſable Laws, the erecting Schools and Colleges for Jeſuites, the inverting Proteſtant Chappels and Churches to publick Maſs-houſes, and the allowing Maſs to be ſaid, are contrary to Law.

That the allowing Popiſh Books to be Printed and Diſpers'd, is contrary to Law.

That the taking the Children of Noblemen, Gentlemen, and others, ſending and keeping 'em abroad to be bred Papiſts, the making of Fonds and Donations to Popiſh Schools and Colleges, the beſtowing Penſions on Prieſts, and the perverting Proteſtants from their Religion, by offers of Places, Preferments and Penſions, are contrary to Law.

That

The disarming of Protestants, and imploying Papists in the places of greatest Trust, both Civil Military, the thrusting out Protestants, to make room for Papists, and the entrusting Papists with the Forts and Magazines of the Kingdom, are contrary to Law.

That the imposing Oaths without Authority of Parliaments, is contrary to Law.

That the giving Gifts or Grants, for raising of Money, without the consent of Parliament, or Convention of Estates, is contrary to Law.

That the imploying the Officers of the Army as Judges through the Kingdom, or imposing them where there were heretable Officers and Jurisdictions, and the putting the Leidges to death summarly without Legal Tryal, Jury or Record, are contrary to Law.

That the imposing of extraordinary Fines, the exacting of exorbitant Bail, and the disposing of Fines, and Forfaultures, before Sentence, are conttary to Law.

That the Imprisoning persons, without expressing the reason thereof, and delaying to put them to Tryal, is contrary to Law.

That the causing pursue and forfeit persons, are stretches of old and obsolete Laws, upon frivolous and weak pretences, upon lame and defective Probation, as particularly the late Earl of Argyle, *are contrary to Law.*

That the nominating and imposing the Magistrates, Councils, and Clerks upon Burghs, contrary to their Liberties and expres's Charters, is contrary to Law.

That the sending Letters to the Courts of Justice, ordaining the Judges to stop or desist from determining Causes, or ordaining them how to proceed in Causes depending before them, and the changing the Nature of the Judges Gifts ad vitam aut culpam, *into Commissions* durante beneplacito, *are contrary to Law.*

That the granting personal protections for Civil Debts, is contrary to Law.

That the forcing the Leidges to depone against themselves in Capital Crimes, however the Punishment be restricted, is contrary to Law.

That the using Torture without Evidence, or in ordinary Crimes, is contrary to Law.

That

That the ſending of an Army in an hoſtile manner, upon any part of the Kingdom, in a peaceable time, and exacting of Locality, and any manner of free Quarters, is contrary to Law.

That the charging of the Leidges with Law-borrows at the King's Inſtance, and the impoſing of Bonds without the Authority of Parliament, and the ſuſpending Advocates from their Employment, for not compearing when ſuch Bonds were offered, were contrary to law.

That the putting of Gariſons in private Mens Houſes in time of Peace, without their Conſent, or the Authority of Parliament, is contrary to Law.

That the Opinions of the Lords of Seſſion in the two Caſes following, were contrary to law, viz. 1. *That the concealing the demand of a Supply for a Forfaulted Perſon, altho' not given, is Treaſon* 2. *That Perſons refuſing to diſcover what are their private Thoughts and Judgments, in relation to points of Treaſon, or other Mens Actions, are guilty of Treaſon.*

That the fining Husbands for their Wives withdrawing from the Church, was contrary to law.

That Prelacy and the Superiority of any Office in the Church, above Presbyters, is, and hath been a great and inſupportable Grievance and Trouble to this Nation, and contrary to the Inclinations of the Generality of the People, ever ſince the Reformation (they having reform'd from Popery by Presbyters, and therefore ought to be aboliſh'd.

That it is the Right and Priviledges of the Subjects, to proteſt for Remeid of Law to the King and Parliament, againſt Sentences pronounc'd by the Lords of Seſſion, providing the ſame do not ſtop Execution of theſe Sentences.

That it is the Right of the Subjects to Petition the King, and that all Impriſonments and Proſecutions for ſuch petitioning, are contrary to Law.

That for Redreſs of all Grievances, and for the Amending, Strengthening and Preſerving of the Laws, Parliaments ought to be frequently call'd and allow'd to ſit, and the freedom of Speech and Debate ſecur'd to the Members.

And

The Claim of Right.

And they do claim, demand and insist upon all and sundry the Premises, as their undoubted Rights and Liberties, and that no Declarations, Doings, or Proceedings, to the prejudice of the People, in any of the said Premises, ought in any ways to be drawn hereafter, in Consequence or Example; but that all Forfeitares, Fines, losses of Offices, Imprisonments, Banishments, Pursuits, Perfecutions, Tortures, and rigorous Execations be consider'd, and the Parties Lesed be Redressed.

FINIS.

ERRATA.

PAge 14. l. 37. for *clear'd*, read *crav'd*. ibid. for *this*, r. *his*. p. 25. l. 3. for *any such*, r. *any such thing*. p. 32. l. 20. for *ry*, r. *by*. p. 33. l. 2. for *his*, r. *this*. p. 37. l. 20. dele *up*. p. 39. l. 14. for *adhered to*, r. *adhered to by*. p. 42. l. 18. for *act of* 1696, r. *act of Parliament* 1696. p. 45. l. 29. for *profect*, r. *protect*. p. 50. l. 39. for *awfully*, r. *lawfully*. p. 51. l. 27. for *Member*, r. *Members*.